

# EXHIBIT 4



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# Transcript of Carmen Wolf

**Date:** January 9, 2024

**Case:** Wolf, et al. -v- Dolgen New York, LLC

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----x  
JOSEPH WOLF, CARMEN WOLF, :  
ON BEHALF OF THEMSELVES AND :  
THOSE SIMILARLY SITUATED :  
Plaintiffs, : Case No.:  
v. : 7:23-cv-00558-P  
DOLGEN NEW YORK, LLC D/B/A :  
DOLGEN, :  
Defendant. :  
-----x

Deposition of CARMEN WOLF  
Washington, D.C.  
Tuesday, January 9, 2024  
9:59 a.m.

Job No.: 520642  
Pages: 1 - 177  
Transcribed by: Molly Bugher

1 Deposition of CARMEN WOLF, held at:

2 405 E 50th Street

3 New York, NY 10022

4 Phone: (212) 594-5300

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9 Pursuant to Notice, before Enrique

10 Casas, Notary Public in and for the State of New

11 York.

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A P P E A R A N C E S

ON BEHALF OF PLAINTIFFS JOSEPH WOLF, et al.:

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HAROLD RODRIGUEZ - PD Videographer

MUSKAAN ZAIDI - Trainee

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P R O C E E D I N G S

VIDEOGRAPHER: Here begins media number 1 in the videotaped deposition of Carmen Wolf in the matter of Wolf et. al. vs. Dolgen New York, LLC, in United States District Court for the Southern District of New York, case number 723-CV-00558-PMH. Today's date is January 9, 2024. The time on the video monitor is 9:59 a.m. The videographer today is Harold Rodriguez representing Planet Depos. This video deposition is taking place at 405 E. 50th Street, New York, New York, 10022.

Would counsel please voice identify themselves and state whom they represent?

MR. MERINO: Javier Marino of the Dann Law Firm, counsel for the Plaintiffs and the punitive class.

MR. BRYSON: Hunter Bryson from Milberg on the half of Plaintiffs and the proposed class.

MR. TAYLOR: Trent Taylor from McGuire Woods on behalf of the Defendant, Dolgen New York, LLC, doing business as Dollar General.

VIDEOGRAPHER: The court reporter today is Enrique Casa representing Planet Depos. Will the witness now be sworn in, please?



1 CARMEN WOLF,  
2 a witness, having been duly sworn or affirmed, was  
3 examined and testified as follows:

4 MR. TAYLOR: All right. Before we get  
5 started, I just wanted to put on the record that  
6 the protective order in this case governs the  
7 testimony and exhibits and we will make the  
8 appropriate confidentiality designations if  
9 necessary pursuant to that. All right. So let's  
10 get started.

11 EXAMINATION BY COUNSEL FOR DEFENDANTS,  
12 DOLGEN NEW YORK, LLC D/B/A DOLGEN  
13 BY MR. TAYLOR:

14 Q: Good morning, Ms. Wolf.

15 A: Good morning.

16 Q: Before we begin, I just want to ask you,  
17 have you ever been in a deposition before?

18 A: No.

19 Q: So let's go over a few guidelines that  
20 might help make this an easier process for all of  
21 us. The first one is to make sure that when I ask  
22 you a question you are giving an answer and make  
23 sure you give a verbal answer instead of nodding  
24 heads, that kind of thing just so our court  
25 reporter can take it down, okay?

1           A:    Okay.

2           Q:    The second thing is we should let each  
3 other finish.  So I'm going to try very hard to  
4 let you finish with your answer before I say  
5 something else, and if you can just do the same  
6 when I'm asking a question, then it will make it  
7 easier for our court reporter to take down our  
8 testimony.  Is that acceptable?

9           A:    Yes.

10          Q:    And if you don't understand a question  
11 at any point, just let me know and I will be happy  
12 to try to rephrase it or say it in a different way  
13 so that it is something that you can understand,  
14 okay?

15          A:    Okay.

16          Q:    And if you don't let me know that you  
17 don't understand a question, then I'm going to  
18 assume that you understand the question, okay?

19          A:    Okay.

20          Q:    Well, I'm certain that throughout the  
21 day we will probably want to take some breaks.  
22 And if at any point want to take a break, whether  
23 it's a bathroom break or just get some fresh air,  
24 whatever, just let me know.  The only thing I ask  
25 is that you answer the question that is pending

1 before we take the break, okay?

2 A: Okay.

3 Q: So just a few preliminary questions. Do  
4 you have any medical condition that would prevent  
5 you from answering my questions fully, truthfully,  
6 and accurately?

7 A: No.

8 Q: Are you currently on any medications  
9 that would affect your ability to completely and  
10 truthfully answer the questions today?

11 A: No.

12 Q: And you understand that you are  
13 testifying under oath here today, right?

14 A: Yes.

15 Q: And that for all intents and purposes  
16 you are testifying to a jury and that the  
17 videotape of this proceeding may be shown to the  
18 jury?

19 A: Yes.

20 Q: Can you state your full name for the  
21 record?

22 A: Carmen Elizabeth Wolf.

23 Q: And what's your current address?

24 A: 3220 92nd Street, East Elmhurst, New  
25 York 11369.

Transcript of Carmen Wolf  
Conducted on January 9, 2024

10

1 Q: And how long have you lived at that  
2 address?

3 A: Five years.

4 Q: And is Wolf your maiden name or your  
5 married --

6 A: My married name.

7 Q: What's your maiden name?

8 A: Viciado.

9 Q: Can you spell that?

10 A: V-I-C-I-E-D-O.

11 Q: E --

12 A: D as in dog, O.

13 Q: Okay, thank you. And what is your date  
14 of birth?

15 A: March 17, 1982.

16 Q: And are you currently married?

17 A: Yes.

18 Q: And who are you married to?

19 A: Joseph Wolf.

20 Q: And how long have you been married?

21 A: Ten years.

22 Q: And do you have children?

23 A: Yes.

24 Q: And how many children?

25 A: Two.

1 Q: And what are their names?

2 A: Arabella Wolf and Penelope Wolf.

3 Q: And how old are they?

4 A: Penelope is 4 and Arabella is 7.

5 Q: And the address that you previously  
6 mentioned, who lives there with you?

7 A: All of us, me, and Joe, Arabella, and  
8 Penelope.

9 Q: Anyone else?

10 A: No.

11 Q: Has anyone else lived at that residence  
12 with you over the last three years?

13 A: No.

14 Q: Do you have any membership in any clubs,  
15 churches, or organizations?

16 A: No.

17 Q: Any elected positions?

18 A: No.

19 Q: Any volunteer activities that you  
20 regularly do?

21 A: No.

22 Q: Any hobbies?

23 A: No.

24 Q: Being a parent, right?

25 A: Takes up a lot of time.

1 Q: Yes, I hear you. I have three of my  
2 own.

3 So I wanted to ask you about any  
4 relatives that you may have living either in the  
5 state of New York or the state of New Jersey. Do  
6 you have any relatives that live in the state of  
7 New York or the state of New Jersey?

8 MR. MERINO: Objection to form. You can  
9 answer.

10 A: By relatives you mean my family or  
11 any --

12 Q: People who -- I mean, I'm not looking  
13 necessarily for cousins, but siblings, parents.

14 A: My mom and my sisters live in Queens.

15 Q: And what's your mom's name?

16 A: Mariam.

17 Q: And what about your sister?

18 A: Jennifer.

19 Q: Okay, and --

20 A: Claudia, two sisters.

21 Q: Claudia.

22 A: And then two brothers in New Jersey.

23 Q: And what are their names?

24 A: Al and Laz; A-Z.

25 Q: A-Z, okay.

1 Q: And what are their occupations?

2 A: Good question.

3 Q: My Laz, he is a standup comedian and  
4 then just does odd jobs. I will be really honest.  
5 I'm not sure what Al does. My sister Claudia, she  
6 works for like a -- she's a manager of a  
7 construction company, she is the office manager.  
8 And then my sister Jennifer, she does like  
9 billings for I think an advertising agency.

10 Q: And is your mother still working?

11 A: No.

12 Q: Did she have an occupation at one point?

13 MR. MERINO: Objection to form. You can  
14 answer.

15 A: She worked in a factory making ties.

16 Q: All right.

17 MR. TAYLOR: I want to mark as an  
18 exhibit --

19 Q: I'm just handing you Exhibit CWolf 1.

20 (Exhibit CWolf 1 was marked for  
21 identification.)

22 Q: And if you could, just take a quick look  
23 at that and then let me know once you've looked at  
24 it.

25 A: Okay.

1 Q: Do you recognize this document?

2 A: Yes.

3 Q: And what is it?

4 A: It's my resume.

5 Q: And does it look to be up-to-date?

6 A: Mm-hmm.

7 Q: Is that a yes?

8 A: Yes, sorry. Yes.

9 Q: So is your -- what is your current job?

10 A: I'm a teacher.

11 Q: And is that at the public school 291?

12 A: Yes.

13 Q: And what exactly do you teach there?

14 A: I am a special education teacher, full-

15 time in a self-contained classroom.

16 Q: And what do you mean by self-contained?

17 A: I have 12 students, one teacher, and one

18 professional. So all the students have special

19 needs.

20 Q: And you've been in that position since

21 2004?

22 A: Yes.

23 Q: You can set that aside for now. Have

24 you ever worked in retail before?

25 A: No.



1 Q: All right. Have you -- I asked you  
2 earlier whether or not you had been deposed before  
3 in a deposition. I wanted to ask you whether you  
4 have testified in court at any kind of hearing or  
5 trial before?

6 A: No.

7 Q: Have you ever filed a worker's  
8 compensation claim before?

9 A: No.

10 Q: Have you ever filed a Social Security  
11 claim?

12 A: No.

13 Q: Have you ever been convicted of a  
14 felony?

15 A: No.

16 Q: Have you filed for bankruptcy protection  
17 within the last five years?

18 A: No.

19 Q: Have you spoken with the media or a  
20 member of the media at all about this lawsuit?

21 A: No.

22 Q: I wanted to now shift and ask you what  
23 you did to prepare for this deposition. Can you  
24 tell me what you did to prepare?

25 A: Yes. I met with my lawyers and I

1 reviewed documents.

2 Q: And I wanted to ask about when you met  
3 with your lawyers. On how many occasions did you  
4 meet with your lawyers to prepare for this  
5 deposition?

6 A: About four.

7 Q: And when was the most recent time?

8 A: This morning.

9 Q: And what time did you arrive here this  
10 morning?

11 A: About 9:00, 9:05.

12 Q: And how long did you meet with your  
13 attorneys this morning?

14 A: About a half hour, 45 minutes.

15 Q: And who in particular did you meet with?

16 A: Javier and Hunter.

17 Q: And did you review any documents this  
18 morning?

19 A: Yes.

20 Q: And do you recall what you reviewed?

21 A: Pictures and the complaint.

22 Q: I'm sorry, what was the last --

23 A: The complaint.

24 Q: Okay, got it. Anything else that you  
25 recall?

1 A: No.

2 Q: Was there anyone else present in the  
3 room with you when you were meeting with your  
4 attorneys this morning?

5 A: No.

6 Q: Prior to this morning, when was the last  
7 time you met with your attorneys?

8 A: Last night.

9 Q: And was that in person or virtual?

10 A: It was on the phone.

11 Q: The phone, okay. And what time was that  
12 phone call?

13 A: Like 6:15, 6:20.

14 Q: And how long did you speak for?

15 A: Twenty minutes maybe.

16 Q: And who in particular did you speak  
17 with?

18 A: Javier and Hunter.

19 Q: Prior to that phone call last night,  
20 when was the -- can you tell me the next prior  
21 time that you either spoke with or met with your  
22 attorneys to prepare for this deposition?

23 A: Last week.

24 Q: Do you remember what day?

25 A: No. Hold on, I'm trying to think. I

1 think it was Wednesday.

2 Q: And did you meet with them in person?

3 A: Virtually.

4 Q: And how long did you meet with them for?

5 A: About an hour.

6 Q: About an hour, okay. And who did you  
7 meet with virtually?

8 A: Javier and Hunter.

9 Q: Was there anyone else present either on  
10 their end or your end?

11 A: Not that I recall, no.

12 Q: Was your husband -- did he participate  
13 in that virtual session?

14 A: Yes.

15 Q: All right. And then was there another  
16 time that you met or communicated with your  
17 attorneys to prepare for this deposition?

18 A: Yes, about two weeks ago.

19 Q: And was that virtual?

20 A: Yes.

21 Q: And how long to that session last?

22 A: Also about an hour, maybe an hour and a  
23 half.

24 Q: And who did you meet with at that time?

25 A: Javier, Hunter, and Jeff.

1 Q: And Jeff?

2 A: Yeah, another attorney.

3 Q: Do you remember his last name?

4 A: (No audible response.)

5 Q: All right. He's an attorney with one of  
6 their Law Firms?

7 A: Yes.

8 Q: Is that your understanding?

9 A: Yes.

10 Q: And did your husband participate in that  
11 session?

12 A: Yes.

13 Q: We talked about documents that you  
14 reviewed this morning. Were there any other  
15 documents that you reviewed on -- during any of  
16 these other three sessions?

17 A: No, maybe the discovery questions.

18 Q: Do you recall on the virtual sessions,  
19 did they share documents via the screen to look  
20 at? Do you recall?

21 MR. MERINO: Objection to form. You can  
22 answer.

23 A: I don't recall if they showed me the  
24 documents.

25 MR. TAYLOR: I want to mark another

1 exhibit. I know you've never seen that before.

2 Q: I'm handing you what has been marked as  
3 CWolf 2.

4 (Exhibit CWolf 2 was marked for  
5 identification.)

6 Q: Just want to take just a second to take  
7 a look at it. And just let me know when you're  
8 ready for me to ask some questions about it.

9 A: Okay.

10 Q: Do you know what this document is?

11 A: Yes.

12 Q: And what is it?

13 A: This is a complaint.

14 Q: And have you seen it before?

15 A: Yes.

16 Q: All right. So there are some questions  
17 I want to ask you about certain parts of this.

18 And maybe we can start on page 2, paragraph 5.

19 And paragraph 5 reads, Plaintiffs reside in East  
20 Elmhurst, New York and own a vacation home in  
21 Bethel, New York; is that accurate?

22 A: Yes.

23 Q: I have some questions about this  
24 vacation home. Do you -- who is -- who owns that  
25 vacation home?

1 A: On paper, Joe.

2 Q: That was the question. I didn't know  
3 whether you were on the deed or not.

4 A: No.

5 Q: But he's on the deed?

6 A: Mm-hmm.

7 Q: Did -- do you know when he purchased  
8 that property?

9 A: It closed December, I believe it was  
10 2020.

11 Q: Okay, got it. And what is the address  
12 of that property?

13 A: 30 Berkshire Trail.

14 Q: And is that in a particular subdivision?

15 MR. MERINO: Objection to form. You can  
16 answer.

17 A: Smallwood.

18 Q: Smallwood, okay. And how often do  
19 either you or he or both of you go there?

20 A: Almost every weekend.

21 Q: About how long -- do you drive there?

22 A: Mm-hmm.

23 Q: About how long a drive is that?

24 MR. MERINO: Objection to form. You can  
25 answer.

1 A: Sorry. Two hours.

2 Q: And what do you do there? Is it just a  
3 place to relax? Or is there particular activities  
4 that you typically do there?

5 MR. MERINO: Objection to form. You can  
6 answer.

7 A: Depends on the season, but just a place  
8 for the family to hang out at.

9 Q: Got it. All right. I wanted to move on  
10 to paragraph 11, which is on page 3. It says  
11 Plaintiffs regularly shop at the Dollar General  
12 located at 1334 New York, 17B White Lake, New  
13 York. Is that a true statement?

14 A: Yes.

15 Q: And do you know which Dollar General  
16 that is?

17 MR. MERINO: Objection to form. You can  
18 answer.

19 A: Yes.

20 Q: And have you shopped there?

21 A: Yes.

22 Q: Do you recall when the last time you  
23 shopped there was?

24 A: Over a week ago.

25 Q: And was it you shopped there or your



1 husband? Or both of you?

2 A: I'm sorry. I don't understand the  
3 question.

4 Q: So you said that the last time you  
5 shopped there was about a week ago.

6 MR. MERINO: Objection to the  
7 characterization of the testimony. She said a  
8 little over a week ago.

9 MR. TAYLOR: Okay, sorry, a little over  
10 a week ago.

11 Q: And I'm just wondering, can you tell me  
12 about that visit to Dollar General?

13 MR. MERINO: Objection to form. You can  
14 answer.

15 A: You're asking who went that last time?

16 Q: Mm-hmm.

17 A: I believe it was Joe.

18 Q: You didn't go that time?

19 A: Huh-uh.

20 COURT REPORTER: I'm sorry. Is that a  
21 no?

22 THE WITNESS: No. Sorry.

23 Q: Do you recall the last time that you  
24 went to that Dollar General in White Lake?

25 A: Maybe two weeks ago.

1 Q: Do you recall on that visit what you  
2 purchased?

3 A: Milk.

4 Q: Do you recall what kind of milk?

5 A: Chocolate milk.

6 Q: Was the chocolate milk for you?

7 A: No.

8 Q: I already knew the answer to that  
9 question. And do you recall buying anything else  
10 on that visit other than chocolate milk?

11 A: No, I don't recall.

12 Q: The shopping at that Dollar General, who  
13 in your family is -- is there sort of a typical  
14 who goes and purchases things there? Or is it  
15 both of you?

16 A: I want to say it's both of us.

17 Q: When you go to that White Lake General  
18 to purchase items, do you ever go as a family or  
19 that usually just one of you who goes? Or does it  
20 vary?

21 A: Usually not as a family.

22 Q: Do you and Joe ever go shop at that  
23 Dollar General in White Lake together at the same  
24 time?

25 A: No.

1 Q: Because of the kids?

2 A: Yeah.

3 Q: Understood. Understood. When you do  
4 shop at the White Lake Dollar General, do -- is  
5 there a typical way that you usually pay? Cash,  
6 credit card, some of the method?

7 A: Always credit card I believe.

8 Q: Okay, got it. Do you recall at that  
9 White Lake New York Dollar General store whether  
10 there is a self-service checkout?

11 A: Yes, there is.

12 Q: Do you happen to recall how long it's  
13 been there?

14 MR. MERINO: Objection to form. You can  
15 answer.

16 A: No, I don't recall.

17 Q: Have you ever used the self-service  
18 checkout at the White Lake New York Dollar General  
19 store?

20 A: Maybe a few times.

21 Q: When you shop at the Dollar General  
22 White Lake store, do you have a usual practice in  
23 terms of whether you use the self-checkout or  
24 whether you have a Dollar General employee check  
25 you out?

1 MR. MERINO: Objection to form. You can  
2 answer.

3 A: I usually go to the employee -- where  
4 the employee checks you -- scans you out.

5 Q: I want to show you another exhibit if I  
6 can. All right. I'm handing you CWolf 3.

7 (Exhibit CWolf 3 was marked for  
8 identification.)

9 Q: You can take a look at that and I'm  
10 going to ask you some questions about this. Let  
11 me know when you've had a chance to review it.

12 A: Okay.

13 Q: Do these photographs look familiar to  
14 you?

15 A: Yes.

16 Q: Did you take these photographs?

17 A: My daughter did.

18 Q: Your daughter did? Oh, which one?

19 A: Arabella.

20 Q: And do you recall when they were taken?

21 A: I don't recall.

22 Q: And were they taken with your phone?

23 A: Yes.

24 Q: And was that the iPhone 12 Mini?

25 A: Yes.

1 Q: And do you still have that phone?

2 A: No.

3 Q: And were these photographs in exhibit --  
4 in CWolf Exhibit 3, were they taken at the White  
5 Lake Dollar General store?

6 A: Yes.

7 Q: And do you recall -- well, did you ask  
8 your daughter to take these photographs?

9 A: She had -- was playing with my phone and  
10 I asked for it back. She said why, and I said I  
11 want to take a picture, she took -- she said, I  
12 will do it, and she did.

13 Q: And is that true of all of these  
14 photographs?

15 COURT REPORTER: Just watch the mic a  
16 little.

17 THE WITNESS: Oh, sorry.

18 COURT REPORTER: You can move it towards  
19 you.

20 THE WITNESS: I'm sorry?

21 COURT REPORTER: You can move it towards  
22 you a little bit.

23 A: Yes.

24 Q: And sorry, you said it was which is  
25 daughter?

1 A: The older one, Arabella, yes.

2 Q: Okay. And so it's your testimony that  
3 you did not ask her to take these photographs?

4 A: No.

5 Q: She just took them?

6 A: Well, I asked for my phone back and she  
7 said, why, and I said I was going to take pictures  
8 of the register and she said, I will do it, and  
9 then she took them.

10 Q: I see. Got it. And why did you want to  
11 take a picture of the register?

12 A: I assumed that the lawyers wanted the  
13 picture of the register.

14 Q: Do you recall whether or not you had  
15 been asked to? Or did you just sort of do it on  
16 your own accord?

17 A: I don't recall.

18 Q: And let me ask this. Are these  
19 pictures -- this is what the checkout by an  
20 employee area at the White Lake Dollar General  
21 looks like?

22 MR. MERINO: Objection to form. You can  
23 answer.

24 A: The day I took the picture, yes.

25 Q: And I'm assuming the person in that

1 photograph, is that the Dollar General employee?

2 A: Yes.

3 Q: All right. Do you -- have you ever --  
4 do you know who -- what the name of the employee  
5 is?

6 A: No.

7 Q: And do you happen recall what you were  
8 purchasing at the White Lake Dollar General on the  
9 day that these photographs were taken?

10 A: The Halloween stuff.

11 Q: Yeah, and are the things that are being  
12 shown here, like the paddle ball, is that what you  
13 were purchasing?

14 A: Yes, that's what we purchased.

15 Q: Got it, understood. And if you go to,  
16 let's see, one, two, three, four -- the fourth  
17 page, the very bottom in very small print it says  
18 the last two digits are 73.

19 A: 73, yeah.

20 Q: So do you see in the middle of the  
21 photograph a Toshiba monitor that says HLWNDIY  
22 Powerball, one dollar?

23 A: Yes.

24 Q: And is it your understanding that that  
25 is a monitor that shows what item has been scanned

1 and the price of that item?

2 A: For that day, yes.

3 Q: And is that monitor something that you  
4 look at when you are purchasing items at the White  
5 Lake Dollar General store?

6 MR. MERINO: Objection to form. You can  
7 answer.

8 A: I don't recall. It depends.

9 Q: And what does it depend on?

10 A: My children.

11 Q: Whether or not you're distracted by them  
12 or --

13 A: Yes.

14 Q: When they are not with you, would it be  
15 your usual practice to look at the monitor as you  
16 are checking out?

17 MR. MERINO: Objection to form. You can  
18 answer.

19 A: I am almost always with them. So I  
20 cannot say.

21 Q: Let me back up for just a second because  
22 I just want to make sure I understand. When you  
23 are -- when you shop at the White Lake Dollar  
24 General store, are your children typically with  
25 you? Or are you typically there by yourself and



1 the children are back with Joe at the house? Or  
2 does it vary?

3 A: They are typically with me.

4 Q: Oh, okay, got it. And when you take --  
5 excuse me -- take them to the White Lake Dollar  
6 General store, does Joe usually come with you?

7 A: No.

8 Q: Would you agree that the Toshiba monitor  
9 that we just mentioned shows the prices -- excuse  
10 me -- the items that are being scanned and the  
11 price of the items that consumers are able to view  
12 as they are checking out?

13 MR. MERINO: Objection to form. You can  
14 answer.

15 A: That day, yes.

16 Q: Has there ever been -- do you -- well,  
17 let me ask you this. Do you recall whether that  
18 monitor has been there at the White Lake Dollar  
19 General store for the last three years?

20 MR. MERINO: Objection to form. You can  
21 answer.

22 A: I don't recall.

23 Q: Is there ever in essence that you can  
24 recall where that monitor was -- when you were  
25 shopping at the White Lake Dollar General store,

1 when that monitor was not working?

2 MR. MERINO: Objection to form. You can  
3 answer.

4 A: I don't recall.

5 Q: Am I correct in saying that there have  
6 been occasions when you have shopped at the White  
7 Lake Dollar General store when you have looked at  
8 this monitor as you were checking out?

9 MR. MERINO: Objection to form.  
10 Objection, mischaracterizes testimony. You can  
11 answer.

12 A: Can you ask the question again, please?

13 Q: Sure. Am I correct in saying that there  
14 have been occasions when you have shopped at the  
15 White Lake Dollar General store where you have  
16 looked at this monitor as you were checking out?

17 MR. MERINO: Objection to form.  
18 Objection, mischaracterizes testimony. You can  
19 answer.

20 A: That day, yes.

21 Q: Have there been other days that you can  
22 recall when you look at the monitor as you were  
23 shopping at the White Lake Dollar General store?

24 MR. MERINO: Objection to form. You can  
25 answer.

1 A: I don't recall.

2 Q: All right. I want to turn to page 1 of  
3 that exhibit. And you see at the very bottom, the  
4 right hand corner there is some -- where it says  
5 receipt? You see that?

6 A: Yes.

7 Q: And is that where, after you have  
8 checked out at the White Lake Dollar General  
9 store, where you can receive your receipt?

10 MR. MERINO: Objection to form. You can  
11 answer.

12 A: I don't recall. They usually hand it to  
13 me.

14 Q: That's fair. Let me ask it a different  
15 way. Do you typically receive a receipt after  
16 checking out at the White Lake Dollar General  
17 store when you shop there?

18 A: Yes.

19 Q: And do -- what do you do with the  
20 receipt once they give it to you after you have  
21 shopped at the White Lake Dollar General store?

22 MR. MERINO: Objection to form. You can  
23 answer.

24 A: Usually I hold onto it but eventually  
25 throw it out.

1 Q: Is there a typical practice about how  
2 long you hang onto it for?

3 A: About a week.

4 Q: And was the purpose for hanging onto a?

5 MR. MERINO: Objection to form. You can  
6 answer.

7 A: There is a coupon on there.

8 Q: Do you ever use the coupons on the  
9 receipt at the White Lake Dollar General store?

10 A: It's always my intention to.

11 Q: Do you recall ever having used the  
12 coupon in the past?

13 A: I don't recall. Maybe.

14 Q: Got it. And do you -- once you receive  
15 the receipt after shopping at the White Lake  
16 Dollar General store, do you typically review it  
17 at all? Or do you just hang onto it and save it  
18 for later? Or something else?

19 MR. MERINO: Objection to form. You can  
20 answer.

21 A: I usually -- sometimes I review it.

22 Q: And when you sometimes review it, what's  
23 the purpose of reviewing it?

24 A: To look at what I bought and look at the  
25 prices.

1 Q: And do you typically -- when you do  
2 review it, do you typically review it right after  
3 it happened? While you are in the store? Or at  
4 some point later?

5 A: Later.

6 Q: And what is your typical practice about  
7 when that later would be?

8 A: Some point at home.

9 Q: At home?

10 A: Mm-hmm.

11 Q: Is there -- you said that you will, I  
12 think, and correct me if I'm wrong, you will  
13 sometimes keep receipts for like a week. Is there  
14 a particular place where you keep those receipts?

15 A: Yes, a drawer.

16 Q: At your -- at the vacation home?

17 A: Yes.

18 Q: Let me ask this question. One of the  
19 things in this case we had sort of asked for your  
20 receipts and we received a number of them. Do you  
21 recall looking into that drawer to see if you had  
22 any Dollar General receipts that needed to be  
23 provided in discovery?

24 A: Yes.

25 Q: And were all of the Dollar General

1 receipts in that drawer provided to your  
2 attorneys?

3 A: Yes.

4 Q: Okay, great. And the receipts, am I  
5 correct in that it is your understanding that  
6 there were receipts that are given to customers  
7 who have completed a transaction at the White Lake  
8 Dollar General store show the name of the products  
9 purchased and the price of those products?

10 MR. MERINO: Objection to form. You can  
11 answer.

12 A: Can you ask the question again, please?

13 Q: Sure. What's your recollection of what  
14 is shown on a receipt that is given to you after  
15 purchasing items that the White Lake Dollar  
16 General store?

17 A: The name of the item and the price.

18 Q: Got it. Understood. Thank you. You  
19 can set aside that for now. We actually are going  
20 to go back to Exhibit 2, which is the complaint.

21 I want to focus on paragraph 12 of the  
22 complaint, which is on page 3. And it states,  
23 while shopping at Dollar General White Lake in  
24 late summer, 2022, Joseph noticed the  
25 discrepancies between the prices and merchandise

1 advertise on the shelves and what they were  
2 charged and paid at checkout. Do you see that?

3 A: Yes.

4 Q: Is that consistent with your  
5 recollection?

6 A: Yes.

7 Q: Do you recall whether Joseph mentioned  
8 some of these price discrepancies that he noticed  
9 at the Dollar General White Lake to you?

10 A: Can you ask the question again?

11 Q: Sure. Let me ask it in a less  
12 convoluted way. So with regard to this, I'm just  
13 wondering whether Joe ever discussed these price  
14 discrepancies that he noticed that the White Lake  
15 Dollar General with you.

16 A: Did you tell me about the --

17 Q: Yeah.

18 A: Yes.

19 Q: Do you recall the first time he told you  
20 about it?

21 A: It was during that first one in  
22 September 2022.

23 Q: Do you recall -- can you tell me what  
24 you remember about what he told you about it the  
25 first time he told you about it?

1           A:    He just told me that he was charged more  
2           than what the price was on the shelf.

3           Q:    And did he say anything else about it?

4           A:    I don't recall.

5           Q:    I want to move down to paragraph 14  
6           where it says in September 2022, Joseph made two  
7           purchases at the White Lake Dollar General store  
8           using Carmen's credit card of which Joseph is an  
9           authorized user, during which Defendant charged  
10          him a higher price for his merchandise than the  
11          advertised shelf price. And then it says the  
12          discrepancies are outlined below and it has a  
13          short chart there that goes over the page 4 and it  
14          depicts two dates, September 18, in September 4.

15                Is paragraph 14 of the complaint  
16          consistent with your recollection?

17               MR. MERINO:  Objection to form.  You can  
18          answer.

19          A:    Yes.

20          Q:    I wanted to ask you for a moment about  
21          the credit card.  So it says he was using your  
22          credit card.  And I just wanted to understand  
23          about the credit card situation that you have.  Is  
24          the credit card -- so why is it that he was using  
25          your credit card?



1           A:    It's not my credit card.  It's a joint  
2           credit card.  I'm not really sure why.  I guess  
3           the credit card company has me as being -- but  
4           it's our joint credit card.  We both use it.

5           Q:    And Joseph is named as an authorized  
6           user?

7           A:    Yes.

8           Q:    And what's -- and you each have your own  
9           card?

10          A:    Yes.

11          Q:    And the card that he has, does it have  
12          his name on it or your name on it?

13          A:    His name.

14          Q:    And do you have the last four digits?  
15          Are they the same for both cards?  Or are they  
16          different?

17                MR. MERINO:  Objection to form.  You can  
18          answer.

19          A:    I believe they have the same.  I don't  
20          know, to be honest.

21          Q:    That's fair.  Can you tell me the last  
22          four digits of your credit card?  If you recall.

23          A:    I believe it is -- I don't recall.  
24          Sorry.

25          Q:    Do you own -- and sorry.  The credit

1 card that is being referred to here for which you  
2 and Joseph have a joint account, who is the bank  
3 that that's through?

4 MR. MERINO: Objection to form. You can  
5 answer.

6 A: Citibank.

7 Q: And that's a MasterCard?

8 A: Yes.

9 Q: Do you own any other credit cards?

10 A: Yes.

11 Q: And how many other ones?

12 A: One.

13 Q: And that credit card, who is the bank on  
14 that one?

15 A: Capital One.

16 Q: Based in Richmond, Virginia, correct?  
17 Okay. And is that a MasterCard or Visa? Or  
18 something else?

19 A: That's a Visa.

20 Q: And is that a joint account? Or is that  
21 just in your name?

22 A: That's a joint account?

23 Q: And is -- how often do you use that  
24 credit card, the Visa?

25 A: Not often.

1 Q: Is there a particular purpose for which  
2 you use that card as opposed to the MasterCard?

3 A: Costco only takes Visa.

4 Q: I feel you. So would it be fair to say,  
5 and correct me if I'm wrong, but you primarily use  
6 for that card be for Costco?

7 A: Costco and traveling abroad.

8 Q: Got it, okay. Would you have ever used  
9 that Visa at the White Lake Dollar General to make  
10 purchases?

11 A: Most likely not, but I don't 100 percent  
12 recall.

13 Q: Have you checked about whether there are  
14 any Dollar General transactions on that credit  
15 card over the last three years?

16 A: Yes.

17 Q: And were there any?

18 A: I don't recall.

19 Q: We may follow up with your counsel about  
20 that. So let's go to the September 4 transaction  
21 that's listed here in paragraph 14, where it says  
22 that 2 percent lactose-free milk was purchased at  
23 the White Lake Dollar General. Do you see that?

24 A: Yes.

25 Q: Were you with Joe when he purchased that

1 2 percent lactose-free milk at the White Lake  
2 Dollar General on September 4?

3 A: No.

4 Q: And do you recall why he was purchasing  
5 lactose-free milk on that day?

6 MR. MERINO: Objection to form. You can  
7 answer.

8 A: Probably for my daughter.

9 Q: And why is that?

10 MR. MERINO: Objection to form. You can  
11 answer.

12 A: Because she still drank milk back then.

13 Q: And which daughter is that?

14 A: Penelope, the little one.

15 Q: The four-year-old?

16 A: Yes.

17 Q: And does -- is any member of your family  
18 lactose intolerant?

19 A: Not diagnosed, but it's just easier on  
20 the stomach I guess.

21 Q: Is lactose-free milk something that you  
22 or Joe have purchased in the past prior to the  
23 September 4, 2022 transaction?

24 MR. MERINO: Objection to form. You can  
25 answer.

1           A:    Yes.

2           Q:    And is that sort of a decision that  
3 y'all made that there is a preference for lactose-  
4 free milk?

5                   MR. MERINO:  Objection to form.  You can  
6 answer.

7           A:    Sometimes.

8           Q:    All right.  So this lactose-free milk  
9 transaction occurred on September 4.  Was it after  
10 this transaction that show mentioned price  
11 discrepancies at the Dollar General White Lake  
12 store to you?

13          A:    Can you just repeat the question?

14          Q:    So you may recall that in paragraph 12  
15 we were -- it was saying that Joe noticed  
16 discrepancies and then I asked you whether or not  
17 he had talked to you about it and you said that he  
18 had.  And I'm wondering whether or not that  
19 conversation that he had, was it after the  
20 September 4 transaction about lactose -- for  
21 lactose-free milk?  Or was it at some other point  
22 in time where he had that conversation?

23          A:    I don't recall.

24          Q:    And do you recall him having a  
25 conversation with you specifically about being

1 overcharged for the lactose-free milk on September  
2 4?

3 MR. MERINO: Objection to form. You can  
4 answer.

5 A: Yes, he told me about the discrepancy.

6 Q: And do you recall -- can you tell me  
7 what you recall about that conversation?

8 A: He just said he had been charged more  
9 than what was on the shelf.

10 Q: Did you have a reaction to that?

11 MR. MERINO: Objection to form. You can  
12 answer.

13 A: I was surprised.

14 Q: And did you say anything back to him?

15 A: I don't recall.

16 Q: Do you recall when it was that he  
17 realized that he had been overcharged? Was it on  
18 September 4? Was it at a later point?

19 MR. MERINO: Objection to form. You can  
20 answer.

21 A: I believe it was on September 4.

22 Q: Do you recall whether he realized that  
23 he had been overcharged once he got home? Or  
24 whether he came home and he already knew that he  
25 had been overcharged?

1           A:    I believe once he got home.

2           Q:    Do you recall reviewing or looking at  
3 the receipt he had for the September 4  
4 transaction?

5           A:    I don't recall.

6           Q:    Did he mention to you any photographs or  
7 pictures that he had taken of the shelf price of  
8 the lactose-free milk that was purchased during  
9 the September 4 transaction?

10          A:    I don't recall.

11          Q:    Moving on to the September 18  
12 transaction, which was also for lactose-free milk,  
13 but actually I think was whole milk as opposed to  
14 2 percent. That September 18 transaction that is  
15 mentioned in paragraph 14, were you with Joe when  
16 he purchased that lactose-free milk at the White  
17 Lake Dollar General store?

18          A:    I don't think so.

19          Q:    And do you recall him -- or having a  
20 discussion with him about that September 18  
21 transaction?

22          A:    I don't recall.

23          Q:    Do you recall him having or showing you  
24 a receipt or a photograph of the lactose-free milk  
25 purchased on September 18 at the White Lake New

1 York store?

2 A: I don't recall.

3 Q: All right. I want to move on to  
4 paragraph 22. And it says on or about September  
5 11, 2022, Joseph, again using Carmen's credit card  
6 made another purchase at the White Lake Dollar  
7 General store during which it, Dollar General,  
8 still charged him a higher price for its  
9 merchandise than the advertised shelf price. The  
10 discrepancy is outlined below. And it shows a  
11 purchase of low-fat vanilla yogurt at the White  
12 Lake store. Do you see that?

13 A: Yes.

14 Q: That particular transaction on September  
15 11, were you with Joe when he purchased the low-  
16 fat vanilla yogurt on December 11 at the White  
17 Lake Dollar General store?

18 A: I don't think so.

19 Q: Do you recall having any conversations  
20 with Joe about that December 11, 2022 transaction  
21 at the White Lake Dollar General store?

22 A: I believe he told me he had been  
23 overcharged again.

24 Q: And do you recall when he realized that  
25 he had been overcharged?



1 A: I believe it was at home.

2 Q: And do you recall specifically what he  
3 said to you about that?

4 A: He stated that he had been overcharged  
5 again.

6 Q: And what was your response if any?

7 A: I was surprised.

8 Q: And why were you surprised?

9 MR. MERINO: Objection to form. You can  
10 answer.

11 A: I couldn't believe it was happening --  
12 it happened again with a different item.

13 Q: And did you say anything verbally in  
14 response to it?

15 A: I don't recall.

16 Q: Did he show you the receipt for the  
17 December 11, 2022 transaction?

18 A: I don't recall.

19 Q: Do you recall whether or not he showed  
20 you any pictures or photographs of the shelf price  
21 label of the vanilla yogurt that he purchased on  
22 December 11?

23 A: I don't recall.

24 Q: Was there any discussion with Joe for  
25 any of these three transactions about raising the

1 overcharging issue with Dollar General employees?

2 A: By this time, December 11, 2022, we were  
3 already -- we had already sought legal counsel.

4 Q: Understood. Let me ask you this. So  
5 for the September transactions, was there --  
6 September 2022 transactions. Was there any  
7 discussion with Joe about raising the issue of  
8 overcharging with the Dollar General employees at  
9 the White Lake store?

10 A: We decided to seek legal counsel.

11 Q: And I understand. Before you decided to  
12 seek legal counsel, was there any discussion about  
13 raising the issue with the employees at the White  
14 Lake store?

15 A: We decided to seek legal counsel because  
16 we didn't think it was our responsibility.

17 Q: Understood. And so let me just ask it  
18 this way. Before you decided to seek legal  
19 counsel, was there any discussion between you and  
20 him about raising it with -- raising the  
21 overcharged issue with the White Lake Dollar  
22 General employees?

23 MR. MERINO: Objection to form. You can  
24 answer.

25 A: I don't recall. I know we decided to

1 seek legal counsel.

2 Q: And who ultimately decided to seek legal  
3 counsel? Was it your decision? His decision?  
4 Both of you?

5 A: Both of us.

6 Q: And am I correct that at the time that  
7 legal counsel was sought, you had not been  
8 overcharged at the White Lake Dollar General store  
9 to your knowledge? Is that accurate?

10 MR. MERINO: Objection to form. You can  
11 answer.

12 A: As far as I knew that I had been aware  
13 of, at that point, no.

14 Q: And no, you had not been overcharged?

15 A: No, I had not been overcharged that I  
16 knew of.

17 Q: Did Joe, during or around the time of  
18 these transactions in September and December 2022,  
19 were you aware that Joe was taking photographs or  
20 pictures of the shelf labels at the Dollar General  
21 store?

22 MR. MERINO: Objection to form. You can  
23 answer.

24 A: Yes.

25 Q: And do you know why he was taking those

1 pictures?

2 A: To check for the price discrepancies.

3 Q: Prior to September 2022, had Joe, to  
4 your knowledge, ever taken photographs of shelf  
5 price labels to check for prices in the past?

6 MR. MERINO: Objection to form. You can  
7 answer.

8 A: No.

9 Q: Prior to September 2022, had you ever  
10 taken photographs or pictures of shelf price  
11 labels to check for prices at the Dollar General  
12 White Lake store?

13 MR. MERINO: Objection to form. You can  
14 answer.

15 A: Can you please repeat the question?

16 Q: Sure. Just wondering whether or not you  
17 had ever taken any photographs of shelf price  
18 labels at the White Lake Dollar General store  
19 prior to September 2022.

20 A: For comparison shopping, maybe, but I  
21 don't 100 percent recall.

22 Q: Do you recall taking any photographs --  
23 you said for comparison shopping; is that right?  
24 What do you mean by that?

25 A: To compare whether Dollar General and

1 another store have -- who has the better price for  
2 the same item I want.

3 Q: And is that something -- comparison-  
4 shopping, is that something that you typically do?

5 A: Yes.

6 Q: And do you do that when you are at the  
7 vacation home as well as during the week when you  
8 live in Queens?

9 MR. MERINO: Objection to form. You can  
10 answer.

11 A: I do it whenever I can.

12 Q: And the -- how close is the Dollar  
13 General store, the White Lake Dollar General store  
14 to you and Joe's vacation home?

15 A: Two-minute drive, if that.

16 Q: Do you ever walk there?

17 A: No.

18 Q: And what -- are there other stores that  
19 you shop at in addition to the White Lake Dollar  
20 General when you are at the vacation home?

21 MR. MERINO: Objection to form. You can  
22 answer.

23 A: Sometimes we go to Walmart or ShopRite.

24 Q: And how far a drive is the Walmart from  
25 your vacation home?

1 A: At least a 40 minute round trip.

2 Q: What about the ShopRite?

3 A: Same.

4 Q: What town of those in?

5 A: They are in Monticello.

6 Q: Monticello, okay. Is there a Dollar  
7 General in Monticello as well?

8 A: Not that I'm aware of.

9 Q: Did you -- so we talked a little bit  
10 about Joe taking pictures of shelf price labels.  
11 Did you ever tell him to do that? Or is that  
12 something he did on his own?

13 MR. MERINO: Objection to form. You can  
14 answer.

15 A: That's something he did on his own.

16 Q: All right. So I want to move to  
17 paragraph 64, which is on page 12. And I just  
18 want to focus on the first sentence of that.

19 A: I'm sorry. Say that again.

20 Q: I just want to focus on the first  
21 sentence of that. And it says as a direct and  
22 proximate result of defendant's unlawful deceptive  
23 acts and practices, plaintiffs and the other  
24 members, the class, suffered and continue to  
25 suffer injuries based on the difference of price

1 advertise on the shelf versus the price charged at  
2 checkout. Do you see that?

3 A: Yes.

4 Q: And I wanted to ask you specifically  
5 about what injuries you have suffered, setting  
6 aside what Joe has suffered. Could you tell me  
7 what injuries that you have suffered as a result  
8 of the alleged price discrepancies at Dollar  
9 General?

10 MR. MERINO: Objection to form. You can  
11 answer.

12 A: I was overcharged and I defer to my  
13 attorneys.

14 Q: When you say you were overcharged, is  
15 that referring to one of the two September 2022  
16 incidents? Or the December 2022 incident?

17 A: I referred to all of them. It's a joint  
18 account.

19 Q: And so -- and I just want to understand,  
20 right? So is it your decision that because Joe  
21 was overcharged using a joint account, then you  
22 were overcharged as well?

23 MR. MERINO: Objection to form. You can  
24 answer.

25 A: Yes.

1 Q: And do you know how much Joe was  
2 overcharged in the two September 2022 incidents  
3 and the December 2022 transaction combined?

4 A: Can you rephrase the question?

5 Q: Yeah, I'm just wondering the  
6 different -- sort of the amount of the overcharges  
7 that are mentioned in this complaint, Exhibit 2.  
8 Would that be \$.45?

9 A: Overall out-of-pocket, yes.

10 Q: Are there any other injuries or damages  
11 that you, Carmen Wolf, are seeking in this  
12 lawsuit?

13 MR. MERINO: Objection to form. You can  
14 answer.

15 A: I defer to my attorneys.

16 Q: I thought you might say that.

17 MR. TAYLOR: You can set aside Exhibit 2  
18 for now. You want to take a quick break?

19 MR. MERINO: Up to you.

20 MR. TAYLOR: Sure.

21 MR. MERINO: Yeah?

22 (Off the record at 11:09 a.m., resuming  
23 at 11:17 a.m.)

24 BY MR. TAYLOR:

25 Q: All right. I have marked Exhibit 4,



1       which I'm handing you. And I wanted to ask you  
2       whether you recognized Exhibit 4.

3                       (Exhibit CWolf 4 was marked for  
4       identification.)

5           A:    Yes.

6           Q:    What is it?

7           A:    It is the responses to the questions.

8           Q:    Interrogatories?

9           A:    Yes.

10          Q:    And you've seen this before?

11          A:    Yes.

12          Q:    Did you review these before they were  
13       finalized?

14          A:    Yes.

15          Q:    I just wanted to go through some of the  
16       transactions that are discussed in here, and I  
17       want to turn your attention to page 4. And this  
18       is the supplemental answer to interrogatory 1  
19       which starts there in the middle of the page. And  
20       the first two sentences -- the first three  
21       sentences of that supplemental answer deal with  
22       the September 4, 2022 transaction, and the  
23       September 18, 2022 transaction and the December  
24       11, 2022 transaction at White Lake Dollar General  
25       store; do you see that?

1 A: Yes.

2 Q: Those three transactions I just  
3 mentioned, September 4, 2022, September 18, 2022,  
4 and December 11, 2022, you were not present with  
5 Joel when those transactions were made at the  
6 White Lake dollars general store, correct?

7 A: Correct.

8 Q: So I want to move to the next of which  
9 is April 11, 2023 and it states, on April 11, 2023  
10 Plaintiffs purchased waffles, chicken, taco  
11 ingredients, hotdogs, dog food, among other items.  
12 Plaintiffs paid 37.90 for the transactions. Do  
13 you see that?

14 A: Yes.

15 Q: Do you recall whether you were present  
16 for that April 11, 2023 transaction?

17 A: Is it -- it says other items. Is this  
18 the -- the tuna purchase date?

19 Q: I believe so.

20 A: Then yes.

21 Q: And we'll come back to that here in a  
22 minute. Farther down, it says, in addition, on  
23 occasion, Plaintiffs have bought milk, pancake  
24 mix, eggs, and potentially other items, e.g.,  
25 batteries from Dollar General store 14321; do you

1 see that?

2 A: Yes.

3 Q: Is that an accurate statement?

4 A: Yes.

5 Q: Do you recall any other items that you  
6 would typically purchase from the white Lake  
7 Dollar General store?

8 MR. MERINO: Object to form. You can  
9 answer.

10 A: It's typically food items and the  
11 Halloween stuff.

12 Q: Got it. Okay. How many times have you  
13 shopped at the white Lake Dollar General store?  
14 How many times did you shop at the Dollar General  
15 white Lake store in 2023?

16 MR. MERINO: Object to form. You can  
17 answer.

18 A: Me personally?

19 Q: Yeah.

20 A: A couple of times a month, every month.

21 Q: Got it. And has the frequency of how  
22 many times you go to Dollar General and make  
23 purchases changed since the lawsuit against Dollar  
24 General was filed?

25 A: No.

1           Q:   Interrogatory 2 on page 5, the question,  
2   it is describe how you first became aware of  
3   potential price discrepancies at Dollar General  
4   stores. Plaintiffs do not recall any specific  
5   date regarding awareness of potential  
6   discrepancies between what Defendant Dollar  
7   General advertised and how it overcharged its  
8   customers.

9           So I wanted to ask you how you first  
10   heard about price discrepancies at Dollar General.  
11   Can you tell me who, or how you first heard about  
12   it?

13           MR. MERINO:   Object to form.   You can  
14   answer.

15           A:   My husband Joe told me.

16           Q:   And was that before the September 4,  
17   2022 transaction where he purchased lactose free  
18   milk?

19           A:   I don't recall.

20           Q:   Prior to September 4, 2022 have you ever  
21   had, or been present for a conversation with  
22   Andrew Wolf about Dollar General?

23           MR. MERINO:   Objection to form.   You can  
24   answer.

25           A:   No.

1 Q: Are you aware that Andrew Wolf is a  
2 lawyer?

3 A: Yes.

4 Q: And were you aware that Andrew Wolf is a  
5 lawyer with the Dann Law Firm who has brought this  
6 lawsuit?

7 MR. MERINO: Object to form. You can  
8 answer.

9 A: Yes.

10 Q: All right. I wanted to ask you, Ms.  
11 Wolf, whether you ever noticed a price discrepancy  
12 at any retailer other than Dollar General?

13 MR. MERINO: Object to form. You can  
14 answer.

15 A: Not that I've noticed, no.

16 Q: Have you ever sought a refund for any  
17 reason from a retailer that you can recall?

18 MR. MERINO: Object to form. You can  
19 answer.

20 A: Can you restate the question?

21 Q: Sure. Have you ever sought a refund  
22 from a retailer for any reason that you can  
23 recall?

24 A: Like returning an item?

25 Q: Yeah.

1 A: Yes.

2 Q: And do recall which retailers you have  
3 sought a refund from?

4 MR. MERINO: Object to form. You can  
5 answer.

6 A: Cosco.

7 Q: And did you get -- was that an exchange  
8 of items or was it a refund where you got your  
9 money back?

10 A: Refund where I got money back.

11 Q: Do you recall when that was?

12 A: Most recently maybe over the summer.

13 Q: And do you recall the circumstances  
14 surrounding that request for refund?

15 MR. MERINO: Object to form. You can  
16 answer.

17 A: It didn't fit. It was clothes.

18 Q: Do you recall any other instances where  
19 you might have sought a refund from a retailer  
20 other than the clothes at Costco that we just  
21 talked about?

22 MR. MERINO: Object to form. You can  
23 answer.

24 A: Amazon.

25 Q: And can you tell me the circumstances

1 behind that?

2 A: Same thing. It's probably something  
3 that didn't fit.

4 Q: And do you recall when that was with  
5 Amazon?

6 MR. MERINO: Object to form. You can  
7 answer.

8 A: Probably sometime in the fall.

9 Q: Have there been other instances where  
10 you have sought refunds from retailers in the past  
11 other than the two that we just talked about?

12 MR. MERINO: Object to form. You can  
13 answer.

14 A: Not that I recall.

15 Q: Do -- have you ever gone and talk to  
16 customer service at a retailer for any reason  
17 other than the refund situations at Costco and  
18 Amazon that we just talked about?

19 MR. MERINO: Object to form. You can  
20 answer.

21 A: No. Not unless I'm looking for an item  
22 that I don't see.

23 Q: And have you at a retailer asked  
24 employees where you can find certain items if you  
25 can't find them?

1 MR. MERINO: Object to form. You can  
2 answer.

3 A: Sometimes.

4 Q: Have you ever done that at White Lake  
5 Dollar General store to your recollection?

6 A: Not that I recall.

7 Q: Have you ever had any conversations with  
8 a Dollar General employee at a White Lake Dollar  
9 General store for any reason?

10 MR. MERINO: Object to form. You can  
11 answer.

12 A: Besides a good morning and a hello or a  
13 goodbye, no.

14 Q: All right. I want to turn your  
15 attention to Interrogatory 5 on page 7. And I  
16 want to go down to the very bottom where it  
17 supplemental answer and then it goes over to the  
18 next page. And it reads, sometime after September  
19 of 2022 -- within 2022 Plaintiffs recall at least  
20 one occasion where Dollar General attempted to  
21 overcharge Plaintiffs and Plaintiff, Mr. Wolf,  
22 objected.

23 The Dollar General employee, name  
24 unknown, removed Mr. Wolf from the checkout lines,  
25 sent him to a separate area where the price could



1 be investigated. Dollar General did correct the  
2 overcharged price at the register.

3 I wanted to ask you, were you with Mr.  
4 Wolf when this incident occurred that is described  
5 in the supplemental answer to Interrogatory 5?

6 A: No.

7 Q: So you didn't witness what happened?

8 A: No.

9 Q: All right. Did Mr. Wolf talk with you  
10 about it after it happened?

11 A: Yes.

12 Q: Can you recall what he told you?

13 A: He just said that it took a long time.

14 Q: Did he tell you how long it took?

15 A: No. I don't recall. Maybe he did.

16 Q: Do you recall approximately when that  
17 occurred? Was it September, October, November or  
18 December?

19 A: I don't recall.

20 Q: All right. Do you happen to recall what  
21 the item was that the price was corrected for?

22 A: I don't recall.

23 Q: And did you have a response when he told  
24 you about that?

25 MR. MERINO: Object to form. You can

1 answer.

2 A: About how long it took?

3 Q: Yeah. Well, just about the incident in  
4 general.

5 A: I was surprised it took so long.

6 Q: And why were you surprised?

7 A: Because he said it took a really long  
8 time.

9 Q: But he didn't tell you how long?

10 A: I don't recall.

11 Q: And did he tell you that the price was  
12 corrected by the Dollar General employee?

13 A: I believe so.

14 Q: All right. I want to turn your  
15 attention to Interrogatory 7 in the response to  
16 that which is on page 9. And the question itself  
17 asks to identify all communications that you have  
18 had with any person and your association regarding  
19 the claims or allegations of price discrepancies.  
20 And the supplemental answer says, on or before  
21 September 4, 2022 Attorney Andrew R. Wolf, of the  
22 Dann Law Firm contacted Joseph Wolf for the  
23 purpose of providing legal advice.

24 And do you see that?

25 A: Yes.

1 Q: I wanted to ask you about that sentence.  
2 Do you recall that happening?

3 A: Joe told me about it.

4 Q: And what did Joe tell you?

5 A: That he was speaking with somebody from  
6 the Law Firm.

7 Q: Did he tell you who?

8 A: I don't recall.

9 Q: Do you recall when he told you about it?  
10 Was it before the September 4, 2022 transaction  
11 where he purchased lactose free milk? Or was it  
12 after?

13 A: I don't recall.

14 Q: Do you ever see Joe's father, Andrew  
15 Wolf?

16 A: Yes.

17 Q: And do you recall hearing any  
18 conversation that Joe had with Andrew Wolf at any  
19 point prior to September 4, 2022, or on September  
20 4, 2022 related to Dollar General and price  
21 issues?

22 A: No.

23 Q: And in particular there was testimony  
24 yesterday from Mr. Wolf about Andrew Wolf  
25 mentioning some issues at Dollar General with

1 regard to pricing. And I'm just wondering whether  
2 you were a part of that conversation? Whether you  
3 recall being part of that conversation or not?

4 MR. MERINO: Object to form. You can  
5 answer.

6 A: No.

7 Q: When was the first time that you spoke  
8 with an attorney about the price discrepancies at  
9 Dollar General? Whether separately or as part of  
10 a conversation with Joe?

11 A: I don't recall the exact date, but --  
12 I'm sorry. Can you repeat the question again?

13 Q: Yeah. I'm just wondering when the first  
14 time that you spoke with a lawyer about --

15 A: Me personally?

16 Q: Personally, whether you were on the  
17 phone with Joe or whether it was sort of separate?

18 A: At some point last year.

19 Q: Do you recall whether it was before or  
20 after September 4, 2022 that transaction where he  
21 bought lactose free milk?

22 A: I believe it was after.

23 Q: And do you recall how that conversation  
24 took place? Was it in person, phone, virtual?  
25 Something else?

1 MR. MERINO: Object to form. You can  
2 answer.

3 A: It wasn't in person. So it was either  
4 on the phone or virtually.

5 Q: And do you recall who you spoke with,  
6 who was the attorney?

7 MR. MERINO: Object to form. You can  
8 answer.

9 A: I'm not 100 percent sure but it was  
10 either Jeff or Javier probably.

11 Q: And so either Jeff or Javier was the  
12 first lawyer that you recall speaking with about  
13 Dollar General and price discrepancy issues?

14 A: Yes.

15 Q: Do you recall, at any point in 2022  
16 speaking with Andrew Wolf about Dollar General?

17 A: No.

18 Q: All right. To date have you ever spoken  
19 with Andrew Wolf about Dollar General?

20 MR. MERINO: Object to form. Objection  
21 to the extent it infringes on attorney/client  
22 privilege issue.

23 Q: Yes. And just to be clear, I'm not  
24 asking for the substance of any conversation. I'm  
25 just wondering if you've ever spoken with him

1 about Dollar General. And Javier is right to make  
2 that objection because we don't want you getting  
3 into the content. I just want to know if you've  
4 ever spoken with him about it at any point?

5 A: No.

6 Q: All right. I want to move to  
7 Interrogatory 9 which starts on page 10 and moves  
8 over to page 11. And it just asks whether -- or  
9 excuse me to identify all social networking  
10 websites and forums, organizations, that kind of  
11 thing and it says in the supplemental answer,  
12 Carmen Wolf does not have social media whatsoever;  
13 is that correct?

14 A: Yes.

15 Q: So no TikTok account for you?

16 A: Nothing.

17 Q: Okay. And let me ask you this. Are you  
18 aware as to whether Joe has ever posted on social  
19 media about this lawsuit?

20 A: No.

21 Q: I believe you said earlier you've never  
22 been part of a lawsuit before; is that correct?

23 A: Correct.

24 Q: Okay. Before this case? Have you ever  
25 been part of a class action, not like in the case,

1 but received, you know, a communication that you  
2 were eligible to receive some type of payment from  
3 a settlement?

4 MR. MERINO: Object to form. You can  
5 answer.

6 A: Like a document in the mail?

7 Q: Yeah.

8 A: Yes.

9 Q: Do you recall what the circumstances  
10 were around receiving something in the mail like  
11 that?

12 A: No, I don't recall.

13 Q: Do you recall whether or not you  
14 actually sent in anything in response to that?

15 MR. MERINO: Object to form. You can  
16 answer.

17 A: I did not.

18 Q: Have you ever been sued in lawsuit  
19 before?

20 A: No.

21 Q: Have you ever visited the Dollar General  
22 website?

23 MR. MERINO: Object to form. You can  
24 answer.

25 MR. MERINO: Object to form. You can

1 answer.

2 A: No.

3 Q: Have you ever used the Dollar General  
4 mobile application?

5 A: No.

6 Q: All right. Have you ever provided your  
7 phone number to Dollar General -- let me just  
8 leave it there. Have you ever provided your phone  
9 number to Dollar General?

10 A: No.

11 Q: I know that there is just a way to get  
12 coupons and sometimes people enter their phone  
13 number at the checkout in order to receive a  
14 discount; is that something that you've ever done  
15 at Dollar General?

16 MR. MERINO: Objection asked and  
17 answered. You can answer the question.

18 MR. TAYLOR: Just clarifying.

19 A: No.

20 Q: You can set aside that document for now.

21 Once you became aware of the potential  
22 for price discrepancies at Dollar General, in  
23 particular the White Lake Dollar General store,  
24 did that change how you shopped at that Dollar  
25 General store?



1 MR. MERINO: Object to form. You can  
2 answer.

3 A: Could you repeat the question?

4 Q: Sure. I believe you testified, and  
5 correct me if I'm wrong, that at some point close  
6 in time to the September 4, 2022, transaction  
7 where your husband purchased the lactose free milk  
8 that you became aware that he had been overcharged  
9 at the White Lake Dollar General store. And I'm  
10 just wondering once you knew that whether that  
11 changed how you shopped at the White Lake Dollar  
12 General store?

13 MR. MERINO: Object to form. You can  
14 answer.

15 A: I guess I don't understand. What do you  
16 mean by, like, frequency, types of items?

17 Q: That's a very fair question. And I  
18 guess what I'm really asking is whether that  
19 changed how closely you paid attention to the  
20 prices at the White Lake Dollar General store.

21 MR. MERINO: Object to form. You can  
22 answer.

23 A: It depended on whether I was with my  
24 kids or not.

25 Q: Got it. Do you -- typically, when you

1 shop do you look at the shelf price tag before you  
2 select an item to purchase?

3 A: Yes.

4 Q: And why do you do that?

5 A: To see if I want to pay that price for  
6 that item.

7 Q: And in your family, who does sort of the  
8 grocery shopping when you're in Queens during the  
9 week?

10 MR. MERINO: Object to form. You can  
11 answer.

12 A: I do.

13 Q: And where do you typically -- what store  
14 or stores do you go to to do that?

15 A: Costco.

16 Q: I thought that would be the answer.  
17 Anywhere else that you go to?

18 A: Sometimes Aldi.

19 Q: And is the Costco, is that close to you  
20 all's residence in Queens?

21 A: It's --

22 MR. MERINO: Object to form. You can  
23 answer.

24 A: It's close to my mother's house. And  
25 I --

1 Q: And where does your mother live?

2 A: In Regal Park.

3 Q: That's in New Jersey or in New York?

4 A: No, no. In Queens.

5 Q: In Queens? Okay. Got it. Prior to you  
6 being aware -- or excuse me, prior to September 4,  
7 2022, did you look at the shelf price tags at the  
8 White Lake Dollar General store when you did  
9 shopping there?

10 MR. MERINO: Object to form. You can  
11 answer.

12 A: I'm sorry, can you just repeat the  
13 question?

14 Q: Sure. So prior to September 54, 2022,  
15 did you look at the shelf price labels at the  
16 White Lake Dollar General store when you were  
17 doing shopping there?

18 A: Yes.

19 Q: We may have already talked about this a  
20 little bit. And prior to September 4, 2022 did  
21 you look at the monitor at the register to see  
22 what the prices of items that were being scanned  
23 at checkout were at the White Lake Dollar General  
24 store?

25 MR. MERINO: Object to form. You can

1 answer.

2 A: I don't recall. It depends.

3 Q: After you were aware of the overcharging  
4 incident on September 4th, and then the two  
5 subsequent transactions that your husband was  
6 allegedly overcharged on September 18th and  
7 December 11th, did you look at the monitor at the  
8 register at the While Lake Dollar General store  
9 more frequently, less frequently, or about the  
10 same?

11 MR. MERINO: Object to form. You can  
12 answer.

13 A: About the same as before.

14 Q: Do you -- are there other family members  
15 that you know of who shop at Dollar General?

16 MR. MERINO: Object to form. You can  
17 answer.

18 A: Only when they come visit us.

19 Q: At the vacation home?

20 A: Mm-hmm.

21 Q: Understood. Is that a yes?

22 A: Yes.

23 Q: When you shop at the White Lake Dollar  
24 General store, is your sort of a typical kind of  
25 day that you would usually go?

1 A: No.

2 Q: Is there a typical amount of money that  
3 you would usually spend, a long list, a short  
4 list?

5 MR. MERINO: Object to form. You can  
6 answer.

7 A: It was usually a short list.

8 Q: When you go to the White Lake Dollar  
9 General store do you write out a list of what it  
10 is that you plan to get? Is it a mental list? Do  
11 you have anything like that?

12 MR. MERINO: Object to form. You can  
13 answer.

14 A: I'm sorry. You said to have a mental  
15 list?

16 Q: Yeah, or a written list?

17 A: No, I don't write anything down.

18 Q: You have a better memory than I do. Do  
19 you know going in when you go to the White Lake  
20 Dollar General store do you know going in sort of  
21 what you need to get or what you plan to get?

22 A: Yes.

23 Q: Do you ever make what might be called  
24 impulse buys at a Dollar General? Something that  
25 you didn't intend to buy but you saw and you said

1 oh, you know, I might like that and then you  
2 purchase it?

3 A: My kids. Other than that, no.

4 Q: The so we were talking earlier about,  
5 like, milk. Is there a particular -- do you go to  
6 the White Lake Dollar General store in the past  
7 was there a particular sort of brand of milk that  
8 you would purchase or want to purchase?

9 MR. MERINO: Object to form. You can  
10 answer.

11 A: What do you mean? Like white milk  
12 versus chocolate milk?

13 Q: Well, yeah. That's a fair question.  
14 Sometimes there is brand loyalty. Like, my son is  
15 like I really love this particular brand of milk.

16 A: Oh, no.

17 Q: What about particular kind of milk, you  
18 know, whether it was chocolate, or white, or  
19 whole, or skim, or 2 percent or lactose free; any  
20 of those kinds of -- do you have a particular  
21 preference when you go into the White Lake Dollar  
22 General to buy milk for you note -- do you have  
23 any preferences?

24 MR. MERINO: Object to form. You can  
25 answer.

1           A:    It depends.  In the past it was more  
2   white because my daughters were younger, and now  
3   it's more chocolate.

4           Q:    Do you recall having shopped at a Dollar  
5   General store other than the White Lake Dollar  
6   General store?

7           A:    No.

8           MR. TAYLOR:  Bear with me one second.  
9   I'm going to mark another exhibit.  Exhibit 5?

10          COURT REPORTER:  Yes.

11          (Exhibit CWOLF 5 was marked for  
12   identification.)

13          Q:    I'm handing you Exhibit 5.  If you want  
14   to take a minute to look at it.  And then I'm  
15   going to ask some questions about it.

16          A:    Okay.

17          Q:    All right.  Have you ever seen Exhibit 5  
18   before?

19          A:    Yes.

20          Q:    And when was the first time that you saw  
21   it?

22          A:    I don't recall, but a few weeks ago.

23          Q:    And what's your understanding of what  
24   this document, this Exhibit 5 is?

25          A:    This is all the contents of the cell

1 phone.

2 Q: And whose cell phone in particular?

3 A: Mine.

4 Q: The iPhone 12 Mini was your phone?

5 A: Mm-hmm.

6 Q: Yes?

7 A: Yes. Sorry.

8 Q: I know, it's hard for me too. So I  
9 wanted to ask you some questions and go through  
10 this a little bit. I wanted to direct your  
11 attention first of all to page 2.

12 A: Mm-hmm.

13 Q: And the very first instant message down  
14 at the bottom says, it is from Joe My Bubba, to  
15 Carmen Wolf; am I correct in assuming that Joe My  
16 Bubba is Joe Wolf?

17 A: Yes.

18 Q: And the date, the time stamp of this  
19 particular instant message is 10/29/2022 and the  
20 body of the message says, I'm sure only Dollar  
21 General would work with him now. I wanted to ask  
22 you if you knew what this message meant or was  
23 about?

24 A: I don't recall.

25 Q: And do you recall wither it was in



1 response to another text message that we can't see  
2 here or sort of the circumstances behind your  
3 husband sending this to you?

4 A: I don't know.

5 Q: The next message on page 3 at the  
6 bottom, 178 is -- looks to be a message from Patty  
7 Decedio, am I pronouncing that right?

8 A: [D' cetio]

9 Q: [D' cetio] okay. To you; is that  
10 correct?

11 A: I'm sorry. You're looking at number 2?

12 Q: Yes.

13 A: Yes.

14 Q: In the time stamp is 3/23/23?

15 A: Mm-hmm.

16 Q: Yes?

17 A: Yes.

18 Q: In the body since I wonder if Dollar  
19 General would have had it too; do you see that?

20 A: Yes.

21 Q: First of all, who is Patty?

22 A: My sister.

23 Q: Your sister. Okay. Older, younger?

24 A: Younger.

25 Q: Do you recall what was meant by, I

1 wonder if Dollar General would have had it too?

2 Or what that was about?

3 A: No.

4 Q: Okay. The third message down there  
5 is -- looks to be from you to Joe on 4/22/23. And  
6 it says, I'll just get done thing at Dollar  
7 General; do you see that?

8 A: Yes.

9 Q: Do you know what that is referring to?

10 A: No.

11 Q: The fourth one is from Joe to you on  
12 4/24/23 and the body says, can you send me the new  
13 receipt from the latest Dollar General purchase;  
14 do you see that?

15 A: Yes.

16 Q: Do you recall what that was about?

17 A: No.

18 Q: All right. Do you recall receiving or  
19 having some receipts from the -- from Dollar  
20 General purchases around that time?

21 A: No, I don't recall.

22 Q: So the fifth message is from Jennifer  
23 Decido (phonetic) to you on 6/24/23 and it says  
24 Hey, Pat, we just picked up some lol (phonetic) --

25 A: Lays.

1 Q: Oh, Lays at Dollar General.

2 A: She spelled it wrong, yeah.

3 Q: Do you recall this text message?

4 A: Well, it's not to me. It's to Patty so  
5 I'm assuming it was -- like we have a group chat.

6 Q: Ah, got it. Understood. Who is  
7 Jennifer, your sister?

8 A: My sister.

9 Q: Younger or older?

10 A: Younger.

11 Q: And so your understanding the lol was  
12 Lays?

13 A: Oh, I'm just inferring. That doesn't  
14 look like a real word to me, sorry. I didn't mean  
15 to interrupt you.

16 Q: No, no, that's fine. But, like, potato  
17 chips?

18 A: Probably. The kids. But I'm not sure.

19 Q: Let me ask you this. Have you ever had  
20 any conversations with Pat or Patty or Jennifer  
21 about this lawsuit?

22 A: No.

23 Q: Do they know that you have filed suit  
24 against Dollar General?

25 A: I don't think so.

1 Q: Have you ever warned them that they need  
2 to be careful about prices at Dollar General?

3 MR. MERINO: Object to form. You can  
4 answer.

5 A: No.

6 Q: All right. Why not?

7 MR. MERINO: Object to form. You can  
8 answer.

9 A: Because they don't really shop there.

10 Q: Well, this fifth particular message  
11 seems to suggest that maybe Jennifer had purchased  
12 a product at Dollar General; is that right?

13 MR. MERINO: Object to form. You can  
14 answer.

15 A: I can't speculate. It says we. So.

16 Q: You want to flip to the next page, which  
17 is 6 from Emily Smallwood to you dated 8/18/23.  
18 Who is Emily Smallwood?

19 A: A neighbor in Smallwood.

20 Q: Okay. So --

21 A: Her name is not Smallwood. I just put  
22 that so I know what Emily I'm talking to.

23 Q: Understood. That's very smart. Okay so  
24 a neighbor -- Smallwood is the vacation home?

25 A: Mm-hmm.

1 Q: Got it.

2 A: Yes. Sorry.

3 Q: And do you know Emily's last name?

4 A: No.

5 Q: All right. And the body of the message  
6 says I know. Hitting DG for something for the  
7 breakfast buffet. Do you recall this particular  
8 text message and what it was about?

9 A: There was a swimming thing at the beach  
10 and they asked people to bring stuff.

11 Q: Okay and when you say the beaches that  
12 the ocean beach or?

13 A: A lake beach in Smallwood. The local  
14 community.

15 Q: What lake is that? White Lake?

16 A: Mountain Lake.

17 Q: Mountain Lake. Okay. Do any of your  
18 neighbors know that you filed suit against Dollar  
19 General? Have you told them?

20 A: No.

21 Q: Have you ever warned any of your  
22 neighbors that they should be careful shopping at  
23 Dollar General because of the price  
24 discrepancies?

25 A: No.

1 MR. MERINO: Object to form. You can  
2 answer.

3 Q: And why not?

4 MR. MERINO: Object to form. You can  
5 answer.

6 A: I don't assume that they are going to be  
7 overcharged.

8 Q: The seventh message is from Joe to you  
9 dated 1/27/23, and it's a New York Times article  
10 on lead in baby food. Do you see that?

11 A: Yes.

12 Q: Do you know why Joe sent this to you?

13 A: I'm sorry. Repeat the question?

14 Q: Sure. Do you know why Joe sent this to  
15 you?

16 A: Just to be aware that there is lead in  
17 baby food.

18 Q: Were -- is baby food something that you  
19 purchased at that point in time?

20 A: No.

21 MR. TAYLOR: Bear with me just one  
22 second. Let's mark this as Exhibit 6.

23 (Exhibit CWolf 6 was marked for  
24 identification.)

25 Q: I'm handing you CWolf Exhibit 6 and I

1 wanted to ask you do you recognize this?

2 A: No.

3 Q: Did you take this picture?

4 A: I don't think so.

5 Q: Do you have any understanding as to  
6 whether or not this picture sort of came with that  
7 article that Joe texted you about lead in baby  
8 food?

9 A: I don't know.

10 Q: Do you know who took this picture?

11 A: No.

12 Q: All right. You can set that aside.

13 Going back to Exhibit 5, if you go to the next  
14 page, page 5, which has at the bottom 178 and the  
15 eighth native message is -- looks to be from you  
16 to Joe on 4/24/23; do you see that?

17 A: Mm-hmm. Yes. Yes.

18 Q: And it looks to have some pictures that  
19 are attached; do you see that?

20 A: Yes.

21 Q: And those pictures appear to be a couple  
22 of photographs of tuna, and then, a couple of --  
23 several photographs of a receipt showing a number  
24 of items that have been purchased, including tuna;  
25 does that look to be right?

1 A: Yes.

2 Q: And do you recall sending that text to  
3 Joe?

4 A: Yes.

5 Q: And what was the purpose of that text?

6 A: To show him that I had been overcharged.

7 Q: And what were you overcharged for?

8 A: The tuna.

9 Q: And that -- so was that the first time  
10 that you are aware that you have been overcharged  
11 at a Dollar General?

12 A: Me personally?

13 Q: Yeah.

14 A: Yes.

15 Q: Have there been any other instances  
16 cents in this purchase of the tuna where you have  
17 personally been overcharged at a Dollar General  
18 store?

19 MR. MERINO: Object to form. You can  
20 answer.

21 A: That I am aware of, no.

22 Q: Understood.

23 MR. TAYLOR: All right. I'm marking  
24 another exhibit. This will be 7?

25 COURT REPORTER: Yes.



1 (Exhibit CWolf 7 was marked for  
2 identification.)

3 Q: I'm handing you CWolf 7. If you want to  
4 flip through that.

5 All right. Do you recognize these?

6 A: Yes.

7 Q: And how do you recognize them? Did you  
8 make these photographs?

9 A: Yes, I took them.

10 Q: And did you take every single one of  
11 these with your iPhone Mini 12?

12 A: Yes.

13 Q: If you can turn to the fifth page which  
14 is -- has a Bates number 50 on the side. Do you  
15 recall taking this photo with your iPhone Mini?

16 A: Yes.

17 Q: Because it seems like a really good  
18 photo. I'm just wondering whether it was  
19 something else. But your recollection is that you  
20 took this with the iPhone Mini as well?

21 MR. MERINO: Objection asked and  
22 answered. You can answer.

23 A: Yes.

24 Q: And so if you go to that receipt, and  
25 let's go to the one that has the Bates number 54

1 at the bottom.

2 And the date of this transaction was,  
3 you see sort of there at the bottom below total  
4 savings, April 11, 2023; do you see that?

5 A: Yes.

6 Q: And at 1:05 p.m.?

7 A: Yes.

8 Q: Is that consistent with your  
9 recollection of when you purchase these?

10 A: I believe so.

11 Q: I wanted to ask a few questions here  
12 about it. So I see that the last two items on the  
13 receipt are Lays Wavy Barbeque and Lays Regular 8  
14 ounce. And then, it has store discount below  
15 that. Do you recall what that store discount is?

16 MR. MERINO: Object to form. You can  
17 answer.

18 A: No.

19 Q: Do you recall whether or not used any  
20 coupons for that?

21 MR. MERINO: Object to form. You can  
22 answer.

23 A: No, I did not.

24 Q: You didn't use any coupons?

25 A: No.

1 Q: And it looks like a MasterCard ending in  
2 6329 was used for this?

3 A: Yes.

4 Q: And 6329, is that one of the credit card  
5 you have?

6 A: Yes.

7 Q: Okay. Got it. And do you recall  
8 whether you took these photographs of the tuna  
9 shelf price labeled before or after you purchased  
10 the products?

11 A: I believe it was after.

12 Q: Do you recall how close in time it was  
13 to after you made the transaction?

14 A: I believe it was right after.

15 Q: Let me turn your attention to page 10 of  
16 Exhibit 5, 178 is the Bates number there. And  
17 near the bottom you will see a second and third up  
18 from the bottom that appears to be photographs of  
19 the tuna and it gives a time that they were taken  
20 as 1:06 p.m. on April 11; do you see that?

21 A: Yes.

22 Q: Is that consistent with your  
23 recollection?

24 A: I believe so.

25 Q: So I'm wondering in your own words, if

1 you could explain to me sort of what happened when  
2 you went to the Dollar General on April 11, 2023  
3 and made these purchases, and what happened after  
4 that transaction?

5 MR. MERINO: Object to form. You can  
6 answer.

7 A: Can you please rephrase the question?

8 Q: Yeah. I just wondering if you could  
9 walk me through your visit to Dollar General on  
10 April 11, 2023.

11 A: I went to get the items. I paid. I  
12 wanted to verify for myself if there were any  
13 price discrepancies so I took a picture. I was  
14 with my children so it was a little chaotic. And  
15 then, I didn't realize the price discrepancies  
16 until I got home.

17 Q: So let me ask you this. Am I correct in  
18 saying that after the transaction on April 11,  
19 2023 you only took pictures of the shelf and price  
20 label for tuna?

21 A: Yes, I believe so.

22 Q: When is it that that was the only shelf  
23 price label that you took a picture of on that  
24 date?

25 A: When I was at the register I thought

1 that it might have been off.

2 Q: And how did you realize that might have  
3 been off, but looking at the monitor or some other  
4 reason?

5 A: I don't recall. But -- I don't recall  
6 if it was the monitor or the receipt. I was with  
7 the girls so it was a little crazy. So I said,  
8 let me take a picture and check closely. I could  
9 be wrong. When I get home. And they're not  
10 screwing me up.

11 Q: So who in your household eats tuna?

12 A: Me.

13 Q: Do you make, like, tuna salad or?

14 A: Yes.

15 Q: And am I correct in saying that based on  
16 the shelf price label you believe that you should  
17 have been charged \$1 for the tuna and you were  
18 actually charged \$1.15.

19 MR. MERINO: Object to form. You can  
20 answer.

21 A: Correct.

22 Q: So I believe said, and correct me if I  
23 am wrong, that you thought it was possible you had  
24 been overcharged at the store which is why you  
25 took the picture, but that you checked it later at

1 home to see whether you had actually been  
2 overcharged; is that right?

3 A: Yes.

4 Q: And at what point do you recall checking  
5 it out? Was it the same day, was it the next day?  
6 Some other time?

7 A: I don't recall. It could have been  
8 later that day.

9 Q: And once you realize that you had been  
10 overcharged what, if any actions did you take?

11 MR. MERINO: Objection. Object to form.  
12 You can answer.

13 A: I told Joe about it and shared it with  
14 the lawyers.

15 Q: And what did you specifically say to  
16 Joe?

17 A: That I was overcharged.

18 Q: What was his reaction?

19 A: He was surprised.

20 Q: Did he indicate why he was surprised  
21 because he had been previously overcharged, right?

22 MR. MERINO: Object to form. You can  
23 answer.

24 A: I guess we were both surprised that it  
25 continued to happen.

1           Q: Did, as a result of this overcharging  
2 did -- when did you -- you said that you sent it  
3 to the attorneys. Do you recall when you sent it  
4 to the attorneys?

5           A: No, I don't recall. I believe Joe sent  
6 it.

7           Q: Did -- after this overcharging that  
8 occurred on April 11, 2023, did you discuss with  
9 your husband going back to the Dollar General and  
10 raising this issue with the employees there to try  
11 to get it corrected?

12           MR. MERINO: Objection to form. You can  
13 answer.

14           A: No. I didn't think it was my -- we were  
15 already in the lawsuit so I sent it to the  
16 lawyers.

17           Q: All right. So I want to go back to  
18 Exhibit 5 which is the report. And you want to go  
19 to page 6, which is number 10 in the native  
20 messages. Do you see that?

21           A: Yes.

22           Q: And it looks to be a text message from  
23 you to Joe on 9/24/23. And it looks to attach  
24 some of the photographs from Exhibit 3 that we  
25 looked at earlier. Do you see that?

1 A: Yes.

2 Q: And is it consistent with your  
3 recollection in terms of when you took photos of  
4 the -- work when her daughter took photos of the  
5 monitor at the White Lake Dollar General store?

6 MR. MERINO: Object to the form. You  
7 can answer.

8 A: I'm sorry. What you mean.

9 Q: So I just want to make sure. So the  
10 data this is 9/24/23 --

11 A: Okay.

12 Q: -- this text message and if you actually  
13 go to the next page on page 7, you will see at the  
14 very bottom it has one of those photos of the  
15 monitor from Exhibit 3. And it has a created date  
16 of 9/24/23, do you see that?

17 A: Yes.

18 Q: Is that consistent with your  
19 recollection as to when the photos of the monitor  
20 at the Dollar General White Lake store that are  
21 depicted in Exhibit 3, when those photos were  
22 taken?

23 MR. MERINO: Objection to form. You can  
24 answer.

25 A: I'm sorry. Are you asking me is this



1 when the photos were actually taken?

2 Q: Yeah. Is that consistent with your  
3 memory?

4 A: The same date, right? Oh. Let me see.

5 Q: I'm just asking whether --

6 A: I took the picture.

7 Q: Well, whether you have any reason to  
8 think that that date of when these photos were  
9 taken is incorrect?

10 MR. MERINO: Objection to form. You can  
11 answer.

12 A: I don't think so.

13 Q: So you do believe that these photos were  
14 taken on or about 9/24/23?

15 A: Yes.

16 Q: Okay. Got it.

17 A: I'm sorry. You --

18 Q: Sure.

19 A: 9/24, you mean? You said 9/23.

20 Q: Yeah. 9/24/2023.

21 A: Okay.

22 Q: Trying to make sure I get the year  
23 right.

24 A: No worries.

25 Q: But I'm confused because it's 2024 now.

1 Okay. So this message back to page 6 that you  
2 sent to Joe attaching these photos of the monitor,  
3 why did you send those photos to him?

4 A: I thought the attorneys one of the  
5 pictures.

6 Q: Do you know whether or not Joe sent this  
7 on to the attorneys?

8 A: No, I don't know.

9 Q: Did you have any conversations about  
10 these photos with Joe?

11 A: Other than sending it to him, no.

12 Q: All right. I want to turn your  
13 attention to page 8 in Exhibit 5. And do you see  
14 at the very top there is a picture of baby food.  
15 You may recall that we had looked at that picture  
16 earlier as Exhibit 6. Do you recall that?

17 A: Yes.

18 Q: Do you know why this photo of baby food  
19 appeared on --

20 A: No.

21 Q: Okay.

22 MR. TAYLOR: So I'm going to show you  
23 another exhibit now. It will be Exhibit 8, I  
24 believe.

25 (Exhibit CWolf 8 was marked for

1 identification.)

2 Q: All right. I'm handing you Exhibit 8.  
3 I want you to take a look at that and know when  
4 you are done.

5 A: Yes.

6 Q: Do you recognize these photos?

7 A: I don't recall exactly when I took them  
8 but they look like photos I may have taken.

9 Q: And let me refer you to page 9 of  
10 Exhibit 5, and which is Bates number 178. You  
11 will see starting on number 20 there are some of  
12 these photos that are in Exhibit 8; do you'll see  
13 that?

14 A: Yes.

15 Q: And for each one of those has a date of  
16 June 5, 2022; do you see that?

17 A: Yes.

18 Q: All right. Well, first of all, did you  
19 take these photos?

20 A: Probably, on my phone.

21 Q: Do you recall my these photos were  
22 taken?

23 A: Most likely comparison-shopping.

24 Q: And let me ask it this way, do you reach  
25 specifically recall doing comparison-shopping,

1 that's why you took it or is it that you don't  
2 remember but you think that might be a reason?

3 MR. MERINO: Objection to form. You can  
4 answer.

5 A: I often do comparison-shopping, so yes  
6 this is comparement (sic) shopping.

7 Q: And when you often do -- you say you  
8 often do comparison-shopping, when you are doing  
9 comparison-shopping do you typically take pictures  
10 of shelf price tags?

11 A: Yes.

12 Q: And I believe, unless I'm mistaken, that  
13 the only photographs of shelf price tags other  
14 than the tuna that we discussed and these that  
15 were taken on 6/5/2022, those are the only photos  
16 of comparison-shopping that were on your phone  
17 that were given to us. Do you know why that is?  
18 Do you believe that maybe there were some other  
19 photos on your phone of comparison-shopping that  
20 were not captured with this?

21 MR. MERINO: Objection to form. You can  
22 answer.

23 A: Could you rephrase the question, please?

24 Q: Sure. So I'm just trying to understand  
25 if you're doing comparison-shopping why there is

1 not more photos of shelf price tags on here in  
2 this report in Exhibit 5.

3 MR. MERINO: Objection to form. You can  
4 answer.

5 A: I'm sorry. Maybe I'm just not  
6 understanding the question. But you're saying why  
7 aren't there any other pictures of Dollar General  
8 shelf prices?

9 Q: Yeah.

10 A: I don't recall. I don't know. This is  
11 just the items I was -- I use most frequently and  
12 why I would come there.

13 Q: Okay what were you comparing these items  
14 to?

15 A: Prices at different stores.

16 Q: And what were those other stores?

17 A: Probably Walmart, ShopRite.

18 Q: Okay and if you will look at the fourth  
19 one which is -- I believe that's Ramen; do you see  
20 that?

21 A: Yes.

22 Q: With a price of \$0.35. Do you eat  
23 Ramen, or anybody in your family eat Ramen?

24 A: Yes.

25 MR. MERINO: Object to form. But you

1 can answer.

2 Q: And it's your testimony that you were  
3 doing comparison-shopping for this Ramen at Dollar  
4 General?

5 MR. MERINO: Object to form. You can  
6 answer.

7 A: Can you repeat the question?

8 Q: Sure. Is it your testimony that you  
9 were doing comparison-shopping at the White Lake  
10 Dollar General store for the item depicted in  
11 Exhibit 8, page ending in 13 of Top Ramen?

12 A: Yes.

13 Q: And do you recall what the outcome of  
14 that cost comparison was?

15 MR. MERINO: Object to form. You can  
16 answer.

17 A: No, I don't recall.

18 Q: Let me go back just for a second to the  
19 pictures in Exhibit 8. Were these taken at the  
20 White Lake Dollar General store?

21 A: Yes.

22 Q: All right. And do you know whether you  
23 actually purchased any of these items?

24 MR. MERINO: Object to form. You can  
25 answer.

1 A: Purchase them at White Lake that day?

2 Q: At any time.

3 MR. MERINO: Object to form. You can  
4 answer.

5 A: I'm sure I purchase these items at some  
6 point.

7 Q: The first item is Stella cans item price  
8 7.25. Do either you or your husband drink Stella?

9 MR. MERINO: Object to form. You can  
10 answer.

11 A: Yes, and for guests.

12 Q: So these items in Exhibit 8 were you  
13 taking these photos for any purpose related to  
14 price discrepancies?

15 MR. MERINO: Objection. Asked and  
16 answered. Object to form. You can answer.

17 A: No.

18 Q: At the time you took these photos on  
19 June 5, 2022 were you aware of the potential for  
20 price discrepancies at the White Lake Dollar  
21 General store?

22 MR. MERINO: Object to form. You can  
23 answer.

24 A: No.

25 Q: I want to understand a little bit about

1 the comparison-shopping that you were doing. I  
2 believe you had indicated earlier that Dollar  
3 General is very close to the vacation home whereas  
4 other stores are much farther away. If that's the  
5 case, what was your intention behind doing  
6 comparison-shopping at the White Lake Dollar  
7 General store?

8 MR. MERINO: Objection. Asked and  
9 answered. Object to form. You can answer.

10 A: I wanted -- I was probably going to  
11 Walmart or ShopRite and I wanted to see -- compare  
12 the prices to them.

13 Q: And do -- how often do you go to the  
14 Walmart or ShopRite in Monticello?

15 A: Not very often.

16 Q: Do you recall the last time you went to  
17 either Walmart or ShopRite in Monticello?

18 A: Probably over Christmas break.

19 Q: And just help me with geography a little  
20 bit. Is Monticello on the way on the route  
21 between the vacation home and where you live in  
22 Queens?

23 MR. MERINO: Object to form. You can  
24 answer.

25 A: Yes.



1 Q: Okay. So is it that you go by  
2 Monticello on the way to and from the vacation  
3 home?

4 MR. MERINO: Object to form. You can  
5 answer.

6 A: Yes.

7 MR. TAYLOR: You can set that aside for  
8 now. And you can set aside Exhibit 5 for now.  
9 All right. I'm marking another exhibit. Is that  
10 9?

11 COURT REPORTER: Yeah.

12 (Exhibit CWolf 9 was marked for  
13 identification.)

14 Q: What has been marked as CWolf 9.

15 A: Yes.

16 Q: If you can take a look at that. Do you  
17 recognize that?

18 A: Yes.

19 Q: And did you take these photographs?

20 A: If it was on my phone, then yes.

21 Q: Well, so that's the curious thing. They  
22 work on anyone's phone. They were just loose.

23 A: Oh.

24 Q: So I'm just trying to understand where  
25 these came from. And any information that you

1 have that could him like me I would appreciate.

2 A: I don't know.

3 Q: Do you have a specific recollection of  
4 taking photographs of what appears to be whole  
5 milk at Dollar General?

6 A: I take lots of different pictures of  
7 different items so I'm not sure.

8 Q: But you don't have a specific  
9 recollection of taking these pictures?

10 A: No.

11 Q: And you wouldn't know whether or not  
12 your husband took these photos or not; would you?

13 A: No.

14 Q: Is there anybody in your family who  
15 drinks whole milk, or who did over the last two  
16 years?

17 A: My daughters.

18 Q: You may notice on here that it doesn't  
19 appear that there's actually a price for this  
20 milk. Do you see that?

21 A: I'm sorry. Say that again?

22 Q: It doesn't appear to have a shelf price  
23 check for the milk.

24 A: If you look at 12 I believe there might  
25 be one on the bottom. I could be wrong.

1           Q:    Yeah, it looks to be on the bottom.  If  
2    you look at the second page, at least on those  
3    two, it looks to me like there is not a shelf  
4    price tag; do you see that?

5           A:    Yes.

6           Q:    Do you ever recall having seen at the  
7    White Lake Dollar General store where there is not  
8    a specific shelf price tag on products?

9           A:    I don't recall.

10          MR. TAYLOR:  Okay.  You can set that  
11   aside for a minute.  All right.  Here's another  
12   exhibit.

13                   (Exhibit CWolf 10 was marked for  
14   identification.)

15          Q:    I'm handing you CWolf 10.  Why don't you  
16   take a quick look through it and let me know when  
17   you're done and I will ask you some questions on  
18   it.

19          A:    Okay.

20          Q:    Do you recognize this document?

21          A:    Yes.

22          Q:    And what is it?

23          A:    It's a credit card statement.

24          Q:    And this is for the MasterCard?

25          A:    I believe so, yes.

1 Q: Okay so help me out with one thing. So  
2 you see on the first page it says card, Carmen W,  
3 and then it says 7698. What is the 7698, if you  
4 know?

5 A: That's the Visa.

6 Q: So 7698 is the Visa?

7 A: Yes.

8 Q: Got it. So you did check whether you  
9 made the Dollar Store purchases with the Visa?

10 A: Yes.

11 Q: Fantastic. Okay. After the first two  
12 pages, is that a difference treatment them for the  
13 MasterCard?

14 A: Yes, I believe so.

15 Q: Okay. Got it. That makes more sense.  
16 And let me ask you this. And if you don't know  
17 the answer to this it's fine, but if you look on  
18 yes it has a Bates number ending in 80 which is  
19 like the fourth or fifth page, fifth page. Do you  
20 see that?

21 A: Yes.

22 Q: And it's got three transactions on there  
23 in April. And so it has the first two ended the  
24 third one at the end of it it says digital account  
25 number. Do you see that?

1 A: Yes.

2 Q: Okay. Can you know what that digital  
3 account number signifies?

4 A: No.

5 Q: And I just -- I was wondering whether or  
6 not that could signify the transaction was made by  
7 Joe with his card as opposed to you with your  
8 card?

9 MR. MERINO: Objection to form.  
10 Objection asked and answered. You can answer.

11 Q: Would it be on the other side?

12 A: I don't know.

13 Q: So I want to turn to the page ending in  
14 81, the Bates. Do you see that?

15 A: Mm-hmm.

16 Q: And this is from June 2022; do you see  
17 that?

18 A: Yes.

19 Q: And it has --

20 A: I'm sorry, you said June -- oh yes,  
21 okay.

22 Q: And it has three Family Dollar  
23 transactions and one Dollar General transaction;  
24 do you see that?

25 A: Yes.

1 Q: Do you know where this Family Dollar in  
2 Bronx is?

3 A: Yes.

4 Q: Have you shopped there in the past?

5 A: Yes.

6 Q: With these three transactions have  
7 been -- likely to have been made by you as opposed  
8 to Joe?

9 A: Yes.

10 Q: And how often do you shop at that Family  
11 Dollar?

12 A: Very rarely.

13 Q: Is that near your workplace?

14 A: Yes.

15 Q: And so in June it looks like there were  
16 three transactions, one for 57.78, one for 32.72  
17 and one for 62.10; do you see that?

18 A: Yes.

19 Q: Do you have any recollection as to what  
20 you are purchasing on those dates?

21 MR. MERINO: Objection to form. You can  
22 answer.

23 A: Most likely for my classroom.

24 Q: What time text so what does the school  
25 year run for your school?

1 MR. MERINO: Object to form. You can  
2 answer.

3 A: It's through the end of June, probably  
4 like 27, 28, 29.

5 Q: And when do you all start?

6 MR. MERINO: Object to form. You can  
7 answer.

8 A: The Monday after Labor Day.

9 Q: Do you recall ever having made any  
10 photos of shelf price tags or receipts from Family  
11 Dollar?

12 MR. MERINO: Object to form. You can  
13 answer.

14 A: I don't recall.

15 Q: At any point did you have any  
16 discussions with anyone, including your husband,  
17 Joe, filing a lawsuit against Family Dollar?

18 MR. MERINO: Object to form. You can  
19 answer.

20 A: I'm sorry. Can you please repeat the  
21 question?

22 Q: Sure. Do you recall ever having a  
23 conversation with anyone, including your husband  
24 Joe, about possibly filing a lawsuit against  
25 Family Dollar?

1 MR. MERINO: Object to form. You can  
2 answer.

3 A: No.

4 Q: Do you recall ever experiencing any  
5 price discrepancies at Family Dollar?

6 MR. MERINO: Object to form. You can  
7 answer.

8 A: No.

9 Q: All right. I want to turn your  
10 attention to two pages pass that to number 83.  
11 And you will see at the very top there are two  
12 transactions on October 29th at the Mongaup Valley  
13 Dollar General; do you see that?

14 A: Yes.

15 Q: Is it your understanding the Mongaup  
16 Valley Dollar General is the same as the White  
17 Lake New York Dollar General?

18 A: Yes.

19 Q: Do you know why there would be two  
20 transactions on one day at the Dollar General?

21 MR. MERINO: Objective one. You can  
22 answer.

23 A: Probably forgot to get something.

24 Q: At any point after the September 4, 2022  
25 transaction that Joe made where he was overcharged



1 for lactose-free milk, has there been any  
2 incidents when you went into the White Lake Dollar  
3 General store wanting to find a price discrepancy  
4 and document it?

5 MR. MERINO: Object to form. You can  
6 answer.

7 A: I'm sorry. Can you please repeat the  
8 question?

9 Q: Sure. After the September 4, 2022  
10 transaction that Joe made for the lactose free  
11 milk has there been any instance when you have  
12 gone to the White Lake Dollar General store  
13 wanting to find a price discrepancy and document  
14 it?

15 MR. MERINO: Object to form. You can  
16 answer.

17 A: No.

18 THE WITNESS: I'm sorry. Is it me or is  
19 it getting really hot in here?

20 MR. TAYLOR: It is. I'll tell you what,  
21 why don't we take a quick break, and go off the  
22 record a moment.

23 (Off the record at 12:43 p.m., resuming  
24 at 12:57 p.m.)

25 BY MR. TAYLOR:

1           Q:   All right, as well, you can set aside  
2   Exhibit 10 for the moment. Do you want to go back  
3   for just a moment to Exhibit 7. It's the pictures  
4   of the tuna and the receipt. And I just wanted to  
5   ask you is on that first page you took a picture  
6   of the price, the shelf price tag for the tuna; do  
7   you see that?

8           A:   Yes.

9           Q:   Do you recall on that day, April 11,  
10   2023, whether you look at the shelf price prior to  
11   the transaction or before you purchase the tuna?

12           MR. MERINO: Object to form. You can  
13   answer.

14           A:   I'm sorry. Can you just repeat the  
15   question, please?

16           Q:   Sure. I'm just wondering whether you  
17   recall whether or not you look at what the shelf  
18   price tag was for the tuna before you purchased it  
19   at the White Lake Dollar General on April 11,  
20   2023.

21           A:   I don't recall.

22           MR. TAYLOR: Are you can set that aside.  
23   I'm going to move quickly through some exhibits  
24   here. That will be Exhibit 11.

25           (Exhibit CWolf 11 was marked for

1 identification.)

2 Q: I'm handing you Exhibit 11. And I just  
3 want to ask you whether you recognize this.

4 A: So I know -- I read somewhere about the  
5 weights and measures. Did it look exactly like  
6 this, I cannot say for sure, but I did read about  
7 the weights and measures.

8 Q: And here is my question. My question  
9 is -- my understanding is, I guess, these  
10 documents were requested for like a freedom of  
11 information act or the equivalent in New York. My  
12 question is whether or not either you or your  
13 husband, if you know, made any such freedom of  
14 information request for these documents.

15 A: I don't recall. I will defer to my  
16 lawyers.

17 MR. TAYLOR: And it may very well be  
18 that they did it but I just wanted to ask the  
19 question. You can set that exhibit aside. All  
20 right. I'm going to mark this as 12.

21 (Exhibit CWolf 12 was marked for  
22 identification.)

23 Q: I'm handing you Exhibit 12. Take a look  
24 at that and let me know once you've had a chance  
25 to look at it.

1 A: Okay.

2 Q: Have you ever seen this document before,  
3 Exhibit 12?

4 A: Yes, I believe so.

5 Q: And this is Plaintiffs' initial  
6 disclosures, and I wanted to ask you specifically  
7 about the two, and it says -- this is asking the  
8 individuals and entities who may either possess  
9 discoverable information that supports Plaintiffs'  
10 claims or who may be called as witnesses at the  
11 trial by Plaintiffs. And it lists you and Joseph  
12 Wolf. And then, you know, Dollar General and  
13 whatnot.

14 And I'm wondering, are there any other  
15 individuals that you are aware of who might have  
16 information bearing on the claims in your lawsuit  
17 that is not listed here?

18 MR. MERINO: Object to form. You can  
19 answer.

20 A: No, not that I'm aware of.

21 Q: And did you collect relevant documents  
22 and provide them to your attorneys that might be  
23 relevant to this lawsuit?

24 MR. MERINO: Object to form. You can  
25 answer.

1 A: Yes.

2 Q: Can you tell me what your process for  
3 doing so was?

4 MR. MERINO: Object to form. You can  
5 answer.

6 A: Can you rephrase the question?

7 Q: Sure. So I'm just wondering sort of  
8 what you did too, you know, find documents that  
9 might be relevant to this lawsuit and what your  
10 process for making sure that you found all of the  
11 relevant information was?

12 MR. MERINO: Object to form. You can  
13 answer.

14 A: I handed them receipts, credit card  
15 statements, pictures.

16 Q: Are there any other sort of categories  
17 of documents that you can think of that might  
18 be -- that you haven't previously provided your  
19 attorneys that you may have in your possession?

20 MR. MERINO: Object to form. You can  
21 answer.

22 A: No.

23 MR. TAYLOR: You can set that document  
24 aside for now. I'll mark this as Exhibit 13.

25 (Exhibit CWolf 13 was marked for

1 identification.)

2 Q: I'm handing you Exhibit 13. Do you  
3 recognize this document?

4 A: Yes.

5 Q: And what is it?

6 A: It is the retainer agreement.

7 Q: And if you turn to the fourth page,  
8 Bates number ending in 69 --

9 A: Yes.

10 Q: -- you'll see a signature line; do you  
11 see that?.

12 A: Yes.

13 Q: And it appears to have the electronic  
14 signature of you and Joe dated September 20, 2022;  
15 is that accurate?

16 A: Yes.

17 Q: Is that consistent with your memory as  
18 to when you signed this retainer agreement?

19 A: I remember signing the agreement. I  
20 cannot -- you know, I think it was around that  
21 date.

22 Q: Sorry. Say again?

23 A: It was about that date but I can't say  
24 for sure, 100 percent if that was the date. I do  
25 remember signing the agreement.

1 Q: If you look on the first page it  
2 mentions a lawyer by the name of Johnathan  
3 Rudnicke; do you see that, at the very top?

4 A: In the first page?

5 Q: Yeah in the first paragraph under  
6 parties.

7 A: Oh yes.

8 Q: Do you know who Johnathan Rudnicke is?

9 A: I believe he works at the Law Firm.

10 Q: Which Law Firm?

11 A: At the Dann Law -- no. I am not sure  
12 actually. I am not sure.

13 Q: Have you ever met with our spoken with,  
14 communicated with Johnathan Rudnicke to your  
15 knowledge?

16 A: No.

17 Q: Do you have any friends or relatives who  
18 work at the Dann Law Firm to your knowledge?

19 MR. MERINO: Object to form. You can  
20 answer.

21 A: Do I know anyone that works at the Dann  
22 Law Firm? Andrew Wolf.

23 Q: Anyone besides Andrew Wolf?

24 A: The lawyers I have been speaking with.

25 Q: Prior to this case --

1 A: Oh, I'm sorry.

2 Q: Yeah it was my fault, that's fine. I  
3 didn't ask a very good question. So prior to this  
4 lawsuit and prior to retaining the Dann Law Firm  
5 did you know anyone that worked at the Dann Law  
6 Firm besides Andrew Wolf?

7 A: No.

8 MR. TAYLOR: You can set that document  
9 aside. We will mark that as Exhibit 14.

10 (Exhibit CWolf 14 was marked for  
11 identification.)

12 Q: I'm handing you Exhibit 14. Do you  
13 recognize this document?

14 A: Yes.

15 Q: And what is it?

16 A: A credit card statement.

17 Q: And is this for the Citi MasterCard?

18 A: Yes.

19 Q: And do you recall -- did you pull this  
20 credit card statement from the web to provide to  
21 your attorneys?

22 A: I'm sorry. Repeat the question.

23 Q: Yeah. So I was wondering who actually  
24 pulled this credit card statement, or whether it's  
25 a copy of a paper statement.



1           A:    I believe it was online, and online  
2           statement and I don't know if it was me or Joe who  
3           looked it up.

4           Q:    Do you know why it lists only your name  
5           at the top of page 1 of this exhibit?

6           MR. MERINO:  Object to form.  You can  
7           answer.

8           A:    No, because it is a joint credit card so  
9           I'm not sure.

10          Q:    And if you go to page 3 with a Bates  
11          number ending in 68 of this Exhibit 14.

12          A:    I'm sorry.  Say that one more time.  
13          Where am I looking?

14          Q:    It's page 3, ending in 68.

15          A:    Okay.

16          Q:    And you will see amidst the sea of black  
17          here --

18          A:    Yes.

19          Q:    -- there is an entry dated April 11 for  
20          a purchase of 37.90 at the Mongaup Valley, which  
21          our understanding is the White Lake, New York  
22          Dollar General; do you see that?

23          A:    Yes.

24          Q:    And that, I believe is the date and the  
25          amount for the transaction that was previously

1 discussed that you made for the tuna that --

2 (Audio interference)

3 THE WITNESS: I'm sorry. I don't know  
4 why this keeps falling. I'm so sorry. Can you  
5 just repeat that?

6 Q: Sure. This entry appears to be the same  
7 transaction that we previously discussed were you  
8 purchased the tuna that we talked about for  
9 Exhibit 7. Would you agree with me on that? Do  
10 you need to look?

11 A: Yeah. I believe so. Yes.

12 Q: And then, if you go a few pages beyond  
13 that to Bates number ending in 74, on Exhibit 14,  
14 you will see another transaction dated December  
15 11th at the Dollar General for 6.25; do you see  
16 that?

17 A: Yes.

18 Q: Ended that your understanding that that  
19 transaction was made by Joe as opposed to you?

20 MR. MERINO: Object to form. You can  
21 answer.

22 A: What do I know if this was him or me  
23 sentence the joint credit card?

24 Q: Yeah.

25 A: I believe that is -- give me one second.

1 Yes, I believe it was Joe.

2 MR. TAYLOR: Okay. You can set aside  
3 that exhibit. All right. I want to mark this as  
4 Exhibit 15.

5 (Exhibit CWolf 15 was marked for  
6 identification.)

7 Q: I'm handing you Exhibit 15. This is a  
8 Siforce (phonetic) report for an iPhone 12 Pro Max  
9 have you ever seen this document before?

10 A: Yes.

11 Q: And the iPhone 12 Pro Max would that  
12 have been your husband's phone?

13 A: Yes.

14 Q: Okay. I wanted to ask you a few  
15 questions about a few things on here. And I want  
16 to start with the fourth page with a Bates number  
17 ending in 252. Number 8 at the bottom. And it  
18 has a native -- it has a -- from a phone number 1-  
19 646-673-7934; do you see that?

20 A: Yes.

21 Q: Is that your phone number?

22 A: Yes.

23 Q: And it is to 1-732-406-5909; do you see  
24 that?

25 A: Yes.

1 Q: And is that Joe's cell phone?

2 A: Yes.

3 Q: And it has a timestamp of December 11,  
4 2022; do you see that?

5 A: Yes.

6 Q: All right. And then the body of it  
7 says, 3 Land O'Lake vanilla yogurts. Take a  
8 picture of prices. Bread crumbs, horseradish,  
9 small heavy cream; do you see that?

10 A: Yes.

11 Q: Do you recall sending this text message  
12 to Joe?

13 A: I do not recall.

14 Q: And you will agree with me that this is  
15 the same date as the transaction that Joe made  
16 where he purchased the vanilla yogurt; is that  
17 correct?

18 A: Yes, the same date.

19 MR. TAYLOR: I'll show you another  
20 exhibit. Exhibit 16?

21 COURT REPORTER: Yes.

22 (Exhibit CWolf 16 was marked for  
23 identification.)

24 Q: All right. I'm handing you Exhibit 16.

25 A: Thank you.

1 Q: All right. And I will represent to you  
2 that these are photos of shelf price of yogurt and  
3 then a receipt from the transaction on December  
4 11, 2022. And if you go to the fourth page you  
5 will see the receipt.

6 Okay. Are you there?

7 A: Yeah.

8 Q: So I want --

9 A: Oh.

10 Q: Yeah, that's fine. You see on this  
11 receipt dated 12/11/2022 that the time stamp of  
12 the transaction is 1:43 p.m.?

13 MR. MERINO: Object to form. You can  
14 answer.

15 A: Yes.

16 Q: And that's about an hour after this text  
17 message in Exhibit 15 that you sent to Joe, right?

18 A: Yes.

19 Q: And this transaction on December 11,  
20 2022, I believe you had previously testified that  
21 it was Joe that made the transaction and you were  
22 not present; is that correct?

23 A: Yes.

24 MR. MERINO: Object to form. You can  
25 answer.

1 Q: Do you recall why you wanted or needed  
2 yogurt, bread crumbs, horseradish, small heavy  
3 cream --

4 MR. MERINO: Object to form. You can  
5 answer.

6 Q: -- on that date.

7 A: I do not recall.

8 Q: Sounds like maybe you had a recipe or  
9 something.

10 Okay. So the first item is 3 Land  
11 O'Lake vanilla yogurts. Take picture of prices.  
12 Do you recall why you said take picture of prices?

13 MR. MERINO: Object to form. You can  
14 answer.

15 A: I do not recall.

16 Q: Have you had any conversations with Joe  
17 prior to December 11, 2022 about taking pictures  
18 of Dollar General shelf price labels?

19 MR. MERINO: Object to form. Object.  
20 Asked and answered. You can answer.

21 A: Sorry, can you please repeat the  
22 question?

23 Q: Sure. Prior to December 11, prior to  
24 the date of this transaction, do you recall having  
25 discussions with Joe about taking pictures of

1 Dollar General shelf price labels?

2 MR. MERINO: Object to form. Object.

3 Asked and answered. You can answer.

4 A: Prior to December 11th? Yeah, we -- he  
5 took pictures for the other two purchases that he  
6 made in September so we did discuss taking  
7 pictures.

8 Q: And would the purpose of you saying,  
9 take picture of prices, would that have been  
10 related to giving evidence for the lawsuit?

11 MR. MERINO: Object to form. Object.

12 Asked and answered. You can answer.

13 A: We were sending the pictures to our  
14 lawyers.

15 Q: And that's why you said take picture of  
16 prices here?

17 MR. MERINO: Object to form. Object  
18 asked and answered. You can answer.

19 A: Well, we're sending pictures. I can't  
20 say exactly why this -- that was the message for  
21 that day. But I know we were sending pictures to  
22 the lawyers.

23 Q: Who in your family, if anyone, eats  
24 yogurt?

25 MR. MERINO: Object to form. You can

1 answer.

2 A: The kids.

3 Q: Do you eat yogurt?

4 MR. MERINO: Object to form. You can  
5 answer.

6 A: No.

7 Q: Do you know why this particular text  
8 message was not listed in Exhibit 5 which was the  
9 report from your phone?

10 MR. MERINO: Object to form. You can  
11 answer.

12 A: No.

13 MR. TAYLOR: You can set aside the  
14 yogurt one for now, which is Exhibit 16. All  
15 right. I'll mark this if I can as --

16 COLURT REPORTER: 17.

17 MR. TAYLOR: Sorry, what number?

18 COURT REPORTER: 17.

19 MR. TAYLOR: 17, okay.

20 (Exhibit CWolf 17 was marked for  
21 identification.)

22 Q: All right. I'm handing you Exhibit 17.  
23 Do you recognize these photos by chance?

24 A: Yes, I've seen them before.

25 Q: And do you know who took them?



1 A: I believe it was Joe.

2 Q: Let me ask you this. Do you ever recall  
3 takign pictures of either receipts or shelf price  
4 tags in a Dollar General with Joes' phone as  
5 opposed to your own?

6 MR. MERINO: Object to form. You can  
7 answer.

8 A: No.

9 Q: So these photos in Exhibit 17, do you  
10 know why Joe took these photos?

11 MR. MERINO: Object to form. You can  
12 answer.

13 A: Probably comparison shopping.

14 Q: All right. Does Joe do comparison  
15 shopping as well?

16 A: No. I might have asked him for them.

17 Q: Do you specifically asking him to do  
18 comparison shopping or is that an assumption you  
19 have made?

20 MR. MERINO: Object to form. You can  
21 answer.

22 A: No. I don't.

23 Q: Could Joe have been taking pictures of  
24 these shelf price tag for these eggs for price  
25 discrepancy reasons?

1 MR. MERINO: Object to form. You can  
2 answer.

3 A: I don't know.

4 Q: Do you recall him having any  
5 conversation -- did you have any conversation with  
6 him about these pictures of the eggs and why he  
7 took them?

8 A: No. I don't recall.

9 MR. TAYLOR: All right. You can set  
10 that aside. I'll mark this as Exhibit 18.

11 (Exhibit CWolf 18 was marked for  
12 identification.)

13 Q: Okay . I'm handing you Exhibit 18. Have  
14 you seen these photos before?

15 A: Yes.

16 Q: And who took them to your knowledge?

17 A: Joe.

18 Q: And this appears to show the September  
19 4, 2022 transaction related to lactose free milk;  
20 is that correct?

21 A: Yes.

22 Q: And do you recall the first time that he  
23 showed you these photos?

24 A: I believe when he was overcharged.

25 Q: Was it -- do you recall whether it was

1 the same day, like right after the transaction?

2 Did he come home and say oh geez, look at this.

3 Or was it at some point after that?

4 A: I don't recall.

5 Q: You will see on the receipt on the  
6 second page of this down below it has, complete  
7 survey at DGcustomerfirst.com for a chance to win  
8 it would hundred dollar gift card. Have you ever  
9 completed a survey for Dollar General?

10 MR. MERINO: Object to form. Object.

11 Asked and answered. You can answer.

12 A: No.

13 MR. MERINO: You asked if she's been on  
14 a Dollar General website before, but you can  
15 answer. In the below that you see a coupon.  
16 Saturday, September 10 only, \$5 off 25. Have you  
17 ever used a store coupon like that at Dollar  
18 General?

19 MR. MERINO: Object to form. You can  
20 answer.

21 A: It's always my intention to but I don't  
22 always miss the date. So no.

23 Q: So you don't recall.

24 A: Not that I recall.

25 MR. TAYLOR: All right. You can set

1 that aside. This is 19.

2 (Exhibit CWolf 19 was marked for  
3 identification.)

4 Q: I'm handing you Exhibit 19. Have you  
5 seen this document before?

6 A: Yes.

7 Q: And would this be shelf price tags and a  
8 receipt for the September 18, 2022, transaction at  
9 the Dollar General White Lake store?

10 A: I'm sorry. Can you repeat your  
11 question?

12 Q: Would this be pictures of shelf price  
13 labels and the picture of the receipt for the  
14 September 18, 2022 transaction at the White Lake  
15 New York store?

16 A: Yes.

17 Q: And am I correct in saying that Joe is  
18 the one who did this transaction and that you were  
19 not present?

20 MR. MERINO: Object to form. You can  
21 answer.

22 A: Yes.

23 Q: Do you recall what point you first saw  
24 these photos?

25 A: I do not recall.

1 Q: Do you recall when it was, you know,  
2 right when Joe got home from Dollar General or was  
3 that at some point after that?

4 MR. MERINO: Object to form. Object.  
5 Asked and answered. You can answer.

6 A: I cannot recall.

7 MR. TAYLOR: Okay you can set that  
8 aside. This is 20.

9 (Exhibit CWolf 20 was marked for  
10 identification.)

11 Q: I'm handing you what's been marked as  
12 Exhibit 20. Have you ever seen that photo before?

13 A: Yes.

14 Q: And do you know who took it?

15 A: Joe.

16 Q: Do you know when he took it?

17 A: I don't recall that the date is here.

18 Q: Do you know why he took it?

19 A: I do not recall.

20 Q: Do you know if it had anything to do  
21 with price discrepancies or not?

22 MR. MERINO: Object to form. Object.  
23 Asked and answered. You can answer.

24 A: No.

25 Q: When you don't know?

1           A:    I don't know why he took the picture at  
2   all.

3           Q:    Have you ever seen at a quite late  
4   Dollar General sort of handwritten signs  
5   indicating the price of items?  Like what's  
6   depicted here in Exhibit 20?

7           A:    Not that I recall.

8           MR. TAYLOR:  Okay.  You can set that  
9   aside.  This is 21.

10               (Exhibit CWolf 21 was marked for  
11   identification.)

12          Q:    I'm showing you what has been marked as  
13   Exhibit 21.  Have you ever seen that before?

14          A:    Yes.

15          Q:    And I'm going to ask you some questions  
16   about it.  Are you aware of any receipts for the  
17   White Lake Dollar General store that you have that  
18   you have not turned over to your attorneys?

19               MR. MERINO:  Object to form.  You can  
20   answer.  Objection.  Asked and answered.

21          A:    No.

22          Q:    Have you had any communications with a  
23   man by the name of Norman Huzar (phonetic)?

24               MR. MERINO:  Object to form.  You can  
25   answer.

1 A: No.

2 Q: You had any communications with someone  
3 but the name of Wyan Button?

4 MR. MERINO: Object to form. You can  
5 answer.

6 A: No.

7 I'm handing you what's been marked as  
8 Exhibit 22. MR. TAYLOR: You can set that  
9 document aside. This is 22.

10 (Exhibit CWolf 22 was marked for  
11 identification.)

12 Q: I'm handing you what has been marked  
13 Exhibit 22. If you want to take a look at that  
14 and let me know once you have.

15 A: Okay.

16 Q: All right. Do you recognize this  
17 document?

18 A: I think so. It looks very familiar to  
19 some -- a lot of documents I think.

20 Q: Legal documents can look the same. I  
21 understand. So these are something called  
22 requests for admission that are asking for  
23 certain -- you know, admit something and then  
24 there's a response. And I want to go through a  
25 few of these. In particular, I want to start with

1 RFA 2 which is on page 4. And it's asking that  
2 Carmen Wolf's individual claims against Dollar  
3 General seek to recover injuries or damages  
4 resulting from only the September 4, and September  
5 18, and December 11 purchases from the White Lake  
6 Dollar General store. Do you see that?

7 A: Yes.

8 Q: All right. It gives the response as you  
9 denied on the next page. It says, while the  
10 complaint identifies specific instances of Dollar  
11 General's misconduct, plaintiffs also allege  
12 damage -- damages premised on Dollar General's  
13 widespread practice of overcharging customers  
14 across the entire state of New York. Okay. And  
15 then, it says, while specific incidences of Dollar  
16 General's overcharging are referenced in the  
17 Second Amended Complaint, the Plaintiffs allege  
18 harm caused by Dollar General due to the  
19 broadscale and frequency of Dollar General's  
20 pricing misconduct.

21 So one of the things I wanted to ask you  
22 is how much money you, Carmen Wolf, are out-of-  
23 pocket because of the alleged overcharges by  
24 Dollar General?

25 MR. MERINO: Object to form. You can



1 answer.

2 A: My out of pockets are about \$0.45.

3 Q: And that is from the September 4, 2022,  
4 September 18, 2022 and the December 11, 2022  
5 purchases?

6 A: I believe so.

7 Q: And the reasoning that you're saying  
8 that you are out-of-pocket is because you share a  
9 joint account with Joe?

10 MR. MERINO: Object to form. You can  
11 answer.

12 A: Correct.

13 Q: Let me ask you this. That credit card  
14 that, I'm talking about the Citi MasterCard, who  
15 pays that?

16 MR. MERINO: Object to form. You can  
17 answer.

18 A: We both do.

19 Q: And is that paid with -- is it paid with  
20 a joint account, an account that you and your  
21 husband share or some other account?

22 MR. MERINO: Object to form. You can  
23 answer.

24 A: It's paid by a joint checking account.

25 Q: Were you aware, prior to September 4,

1 2022, that a customer could seek a refund for  
2 merchandise bought from a Dollar General store?

3 MR. MERINO: Object to form. You can  
4 answer.

5 A: Can you please repeat the question?

6 Q: Sure. Prior to September 4, 2022, were  
7 you aware that a customer could ask for a refund  
8 for merchandise that they purchased from a Dollar  
9 General store?

10 MR. MERINO: Object to form. You can  
11 answer.

12 A: I had never asked for one so I didn't  
13 know what Dollar General's policies were.

14 Q: Did you have an assumption that there  
15 was a policy that they would refund money?

16 MR. MERINO: Object to form. Object.  
17 Asked and answered. You can answer.

18 A: As I mentioned before I never asked so I  
19 didn't know what their policies were.

20 Q: I know you said earlier that there have  
21 been times where you asked for a refund from other  
22 retailers. Can you recall an instance where you  
23 have asked for a refund from any retailer and been  
24 denied a refund?

25 MR. MERINO: Object to form. You can

1 answer.

2 A: I can't recall.

3 Q: We previously discussed the April 11,  
4 2023 transaction that you may for the tuna and  
5 other items.

6 A: Mm-hmm.

7 Q: And I wanted to ask you, and I believe  
8 your prior testimony was, and correct me if I'm  
9 wrong on this, was that you didn't ask for a  
10 refund because you had already filed a lawsuit at  
11 that point; do I have that right?

12 MR. MERINO: Object to form. You can  
13 answer.

14 A: I said I didn't realize the price  
15 discrepancy until I got home. And then, since we  
16 were in the lawsuit I just sent it to my lawyers.

17 Q: If you had not been in a lawsuit or you  
18 have not already filed suit, would you have  
19 considered asking Dollar General for a refund for  
20 the difference in price the next time that you  
21 were in Dollar General?

22 MR. MERINO: Object to form. You can  
23 answer.

24 A: I don't know what I would have done. I  
25 only know what I did, which is go home, realize

1 there was a price discrepancy and send it to my  
2 lawyers.

3 Q: Going back to --

4 MR. TAYLOR: Well, never mind. I'm  
5 going to withdraw that question.

6 Q: And I want to move to RFA 94.

7 A: 94?

8 Q: Yeah, which is on page 40 of Exhibit 22.  
9 Okay. RFA 94 of Exhibit 22, page 40. And it  
10 reads that Carmen Wolf believes that it is prudent  
11 to check prices on one's receipt after a  
12 transaction to ensure price accuracy; do you see  
13 that?

14 A: Yes, I see it.

15 Q: Do you agree with the statement that it  
16 is prudent to check prices on one's receipt after  
17 a transaction to ensure price accuracy?

18 MR. MERINO: Object to form. You can  
19 answer.

20 A: I believe that Dollar General should  
21 charge accurate prices.

22 Q: I understand that. But specifically  
23 what I'm asking is do you believe it is a good  
24 idea for consumers to check prices on one's  
25 receipt after a transaction to ensure price

1 accuracy?

2 A: Again, I think that Dollar General  
3 should charge accurate prices. I don't think it's  
4 my responsibility.

5 Q: And that's fine. When you say it's not  
6 your responsibility do you mean it's not your  
7 responsibility to check prices on your receipt  
8 after a transaction to make sure of price  
9 accuracy?

10 A: I don't assume --

11 MR. MERINO: Object to form. You can  
12 answer.

13 A: I don't assume that there would be a  
14 price discrepancy.

15 Q: And I just want to understand what email  
16 you said it's not your responsibility, what you  
17 meant by that. So let me just ask that. What do  
18 you mean when you say -- when you said it was not  
19 your responsibility?

20 MR. MERINO: Object to form. You can  
21 answer.

22 A: I mean that Dollar General should charge  
23 accurate prices and I shouldn't have to check to  
24 make sure that I'm being charged the accurate  
25 price.

1 Q: Do you know why receipts are provided to  
2 consumers?

3 MR. MERINO: Object to form. You can  
4 answer.

5 A: To have documentation of what you  
6 bought.

7 Q: Do you believe that consumers should not  
8 check the receipts after transaction?

9 MR. MERINO: Object to form. Object.  
10 Asked and answered. You can answer.

11 A: Can you repeat the question?

12 Q: Sure. Do you believe that consumers  
13 should not check prices on the receipt they  
14 receive after transaction?

15 MR. MERINO: Object to form. Object.  
16 Asked and answered.

17 A: Again, I believe that Dollar General  
18 should charge accurate prices and I shouldn't have  
19 to check to see if the price is accurate.

20 Q: I want to move to RFA 96, which is the  
21 next page, page 41 of Exhibit 22. And it reads  
22 admit that Carmen Wolf believes it is prudent to  
23 observe the prices of the items on the cash  
24 register display during checkout to ensure price  
25 accuracy; do you see that?

1 A: Yes.

2 Q: Do you understand that the cash register  
3 display is that monitor that we looked at in  
4 Exhibit 3 earlier?

5 A: Yes.

6 MR. MERINO: Object to form. And I  
7 think all object to mischaracterizing testimony, I  
8 think. You can answer.

9 MR. TAYLOR: Sorry, I'm just trying to  
10 understand what?

11 MR. MERINO: Well, I think the testimony  
12 is this that the monitor was for that day. And I  
13 think you're kind of conflating with this RFA  
14 which ask and transactions in general. So I think  
15 it is a bit of the mischaracterization to ask in  
16 an RFA generally about a monitor which she  
17 testified was there for that day.

18 MR. TAYLOR: Okay. I disagree with that  
19 but you can obviously make whatever objections you  
20 want.

21 Q: So let me ask you this, do the cash  
22 register display -- what I was asking was, just to  
23 make sure were on the same page in terms of  
24 vocabulary here and what that means. And you  
25 understand that that it is the monitor that was

1 depicted in the photos in Exhibit 3, right?

2 MR. MERINO: Object to form. You can  
3 answer.

4 A: So you're basically asking me is that  
5 what a monitor looks like?

6 Q: Well, I'm asking -- I just want to make  
7 sure were on the same page as far as what we're  
8 talking about. I'm going to ask another question.

9 A: Okay. The monitor in the picture in  
10 Exhibit -- okay. You're saying this is what the  
11 monitor -- what a monitor looks like?

12 Q: Yeah. I mean, so when we talk about  
13 monitor, that's what I mean. Okay?

14 A: Okay. I see a monitor.

15 Q: In the same term cash register display  
16 would refer to that monitor as well in terms of my  
17 question. Okay?

18 A: Okay.

19 Q: The first of all, let me ask this  
20 question. Have you ever noticed that cash  
21 registers display or monitor at the quite late  
22 Dollar General store on any date other than the  
23 date you took these photos?

24 MR. MERINO: Object to form. Object.  
25 Asked and answered. You can answer.



1           A:    Can you repeat that one more time,  
2           please?

3           Q:    Sure.  I'm asking whether or not you  
4           ever recall seeing that monitor or cash register  
5           display at the Dollar General in White Lake on any  
6           occasion other than the date in which you took the  
7           photos in Exhibit 3?

8           MR. MERINO:  Objection.  Asked and  
9           answered.  Object to form.  You can answer.

10          A:    I don't recall.  I just know that that's  
11          what it looked like that day.

12          Q:    Is it your testimony that there was any  
13          occasion that you visited Dollar General in White  
14          Lake where there was not a cash register display  
15          or monitor?

16          MR. MERINO:  Object to form.  Objection.  
17          Asked and answered and you know, I think it's --  
18          you can answer the question.

19          A:    I don't recall.  I just know that's what  
20          it looked like that day.

21          Q:    And I understand that.  And I guess is  
22          my question.  And I just want to -- I'm just  
23          trying to be clear here.  Do you specifically  
24          recall that there wasn't a monitor any other times  
25          or you don't know?

1 MR. MERINO: I'm going to object to this  
2 line of questioning. I think, you know, it's  
3 mischaracterizing Mrs. Wilson testimony. You  
4 know, you've asked her the same question multiple  
5 times. You defined the monitor as that particular  
6 monitor within that picture which she says she  
7 only recalls from that day. So you know, I think  
8 if she's repeatedly said she doesn't know if that  
9 exact monitor, that exact cash register wasn't  
10 there, you know, on other days. Now, if you are  
11 asking generally, you know, monitors and cash  
12 registers than I think you need to clarify that  
13 definition to be one like that instead of that  
14 specific.

15 MR. TAYLOR: You want to be sworn in?

16 MR. MERINO: No.

17 MR. TAYLOR: Because that was about a  
18 two minute talking objection. That is improper,  
19 and it is inappropriate. And we have gotten along  
20 here in this deposition, but I am simply trying to  
21 understand, and I don't feel like I have gotten an  
22 exact answer to my question. And you are welcome  
23 to object to it. I'm not trying to trick Ms.  
24 Wolf, I just want to understand and be clear about  
25 what the testimony is. And you're talking

1 objection is compounding and making it more  
2 difficult to do so. So I would ask that you not  
3 do that. Your objection is noted. Let me try  
4 this again. I don't think I ever said the exact  
5 monitor.

6 MR. MERINO: Well you did. You pointed  
7 to the picture and you said this monitor.

8 MR. TAYLOR: Well, no. What I'm saying  
9 is this is an example of a monitor. I'm not  
10 saying it is the exact monitor or the exact cash  
11 register display. I want to make sure that we are  
12 on the same page in terms of what we are talking  
13 about. And so you know if you're splitting hairs  
14 here I'm happy to rephrase the question and ask it  
15 again.

16 And you know, what I am trying to  
17 understand is whether or not there is a specific  
18 recollection of there not being a monitor, or  
19 there beign a monitor, or I don't know. And  
20 whatever it is, it is. But I just want to get a  
21 clear answer to that question. Okay? And I  
22 understand.

23 BY MR. TAYLOR:

24 Q: And let me direct the question back to  
25 you Ms. Wolf. And I understand that you have

1 previously testified that your daughter took a  
2 photograph of this particular monitor depicted in  
3 Exhibit 3. My question is, do you recall seeing  
4 any kind of monitor or cash register display at  
5 the checkout at the White Lake, New York store on  
6 any other occasion that you have made purchases  
7 there?

8 MR. MERINO: Object to form. You can  
9 answer.

10 A: Does Dollar General have monitors in the  
11 front, yes, they have monitors.

12 Q: And my question is do you believe --  
13 well, first do you know why those monitors exist?  
14 Why they are there?

15 MR. MERINO: Object to form. You can  
16 answer.

17 A: The monitors are there to show you what  
18 you are buying.

19 Q: And the price, right?

20 MR. MERINO: Object to form. You can  
21 answer.

22 A: Yes, the price.

23 Q: And do you believe it is a good idea for  
24 customers to observe the prices of the items on a  
25 monitor or cash register display at checkout to

1 ensure price accuracy?

2 MR. MERINO: Object to form. You can  
3 answer.

4 A: No, I don't think it's our  
5 responsibility to check.

6 Q: All right. I want to move to number 98  
7 which is on page 42 of Exhibit 22. All right.  
8 And it says, admit that Carmen Wolf believes that  
9 once a noticed it is prudent to request a refund  
10 of the difference between the shelf price and the  
11 checkout price if the latter is higher; do you see  
12 that?

13 A: Yes, I see it.

14 Q: What I want to ask you is this. Do you  
15 believe that once noticed it is a good idea for a  
16 consumer to request a refund of the difference  
17 between shelf price and the checkout price if the  
18 checkout price is higher?

19 MR. MERINO: Object to form. You can  
20 answer.

21 A: Can you repeat the question, please?

22 Q: Sure. Do you believe that once noticed  
23 it is a good idea for customers to request a  
24 refund of the difference between the shelf price  
25 and the checkout price if the checkout price is

1 higher?

2 MR. MERINO: Object to form. You can  
3 answer.

4 A: I don't know about any other customers.  
5 I know what I did the day that I noticed at home  
6 that the price was higher, and I opted to send it  
7 to the lawyers.

8 Q: And do you have an opinion as to whether  
9 other customers -- it would be a good idea for  
10 them to request a refund and to let Dollar General  
11 know about the inaccurate price?

12 MR. MERINO: Object to form. You can  
13 answer.

14 A: Again, I don't have an opinion about  
15 other customers. I just know what I did.

16 Q: On April 11, 2023, when you purchased  
17 the tuna and there was an overcharge you did not  
18 inform a Dollar General employee at the White Lake  
19 store about this overcharge, correct?

20 MR. MERINO: Object to form. You can  
21 answer.

22 A: I didn't realize until I got home.

23 Q: But you didn't at some later point let  
24 them know about the overcharge, correct?

25 MR. MERINO: Object to form. You can

1 answer.

2 A: Correct.

3 Q: Did it matter to you that other  
4 customers might have suffered the same price  
5 discrepancy for the same item at a later point  
6 given that you didn't inform the Dollar General of  
7 the price discrepancy?

8 MR. MERINO: Object to form. You can  
9 answer.

10 A: Can you repeat the question, please?

11 Q: Sure. So I believe you testified that  
12 you did not let Dollar General know about the  
13 overcharge of the tuna. Did it matter to you that  
14 other customers might be overcharge for that same  
15 item going forward?

16 MR. MERINO: Object to form. You can  
17 answer.

18 A: It doesn't matter to me. That's why I'm  
19 in this lawsuit.

20 Q: Do you have an opinion about whether you  
21 could have prevented other customers from being  
22 overcharged in the hours and days later by simply  
23 letting Dollar General know that there was an  
24 overcharge of the tuna?

25 MR. MERINO: Object to form. You can

1 answer.

2 A: I don't know if it would've made a  
3 difference.

4 Q: Did you think about that at the time?

5 MR. MERINO: Object to form. You can  
6 answer.

7 A: I thought about the bigger picture of  
8 the class action and I sent it to my lawyers.

9 Q: Could you have done both? Obviously you  
10 had already filed suit, but could you still have  
11 told them? Was there anything preventing you from  
12 telling Dollar General about the overcharge of the  
13 tuna after the April 11, 2022, transaction?

14 MR. MERINO: Object to form. You can  
15 answer.

16 A: I can't say what I could have done. I  
17 just know what I did do.

18 Q: What's your understanding of who you  
19 represent in this lawsuit?

20 A: I --

21 MR. MERINO: Object to form. Sorry.  
22 Objection to form. You can answer.

23 A: I am the class representative of anyone  
24 that has been overcharge from the date the lawsuit  
25 was filed and the three years previous.



1 Q: And do you know what states that  
2 encompasses?

3 A: It is New York, Southern District.

4 Q: And so it's your understanding that you  
5 represent other consumers from the Dollar General,  
6 correct?

7 A: Correct.

8 Q: What would you say to a customer who  
9 purchased tuna at the White Lake Dollar General  
10 store the day after you experienced your price  
11 overcharge and they realize that you did not speak  
12 up and say anything to Dollar General, and that  
13 that could have prevented them from being  
14 overcharged?

15 MR. MERINO: Object to form. You can  
16 answer.

17 A: Can you please repeat the question?

18 Q: Sure. What would you say to a class  
19 member who you say that you represent who was  
20 overcharged buying tuna at the White Lake Dollar  
21 General after you had been overcharge, and they  
22 realize that you did not speak up or bring that  
23 overcharge to Dollar General's attention, which  
24 could have prevented them from being overcharged?

25 MR. MERINO: Object to form. You can

1 answer.

2 A: That situation did not happen so I don't  
3 know what I would have done in that situation. I  
4 just know that I am thinking of the whole class  
5 which is why I am part of the lawsuit.

6 Q: Okay. When you say it didn't happen,  
7 how do you know that others didn't buy tuna after  
8 you did at that White Lake store and had an  
9 overcharge?

10 MR. MERINO: Object to form. Objection.  
11 Mischaracterizes testimony. You can answer.

12 A: Can you repeat the question?

13 Q: And maybe I misheard you and feel free  
14 to correct me. But I thought you said that didn't  
15 happen. And maybe I'm unclear about what you mean  
16 by that, but I thought you were referring to the  
17 fact that no one purchased tuna at the White Lake  
18 Dollar General store and was overcharge after you  
19 were. So my question is how do you know that is,  
20 in fact, true?

21 MR. MERINO: Object to form. Objection  
22 to the extent it mischaracterizes testimony. You  
23 can answer.

24 A: Correct me if I'm wrong. I thought you  
25 said what would I say to someone if they mentioned

1 that they were overcharge. That's why I said the  
2 situation did not happen so I do not know.

3 Q: Got it. Understood.

4 And sitting here today do you regret not  
5 bringing that overcharge to Dollar General's  
6 attention?

7 MR. MERINO: Object to form. You can  
8 answer.

9 A: I decided to send it to my lawyers.  
10 Again, to serve the better of all the class  
11 because these discrepancies have happened on other  
12 items as well.

13 Q: Well, I'm asking whether you regret not  
14 doing that. And if you don't that's fine. I'm  
15 just trying to understand, or you know want an  
16 answer to that question whether or not you regret  
17 not bringing it to Dollar General's attention, the  
18 overcharge on April 11, 2023?

19 MR. MERINO: Object to form. You can  
20 answer.

21 A: I have no specific feelings on it. I  
22 sent to my lawyers for the greater good of the  
23 class.

24 MR. TAYLOR: All right. You can put  
25 that away. I'm going to go back real quick and do

1 a couple of other things. I want to go back real  
2 quick to Exhibit 16. You're having an easier time  
3 finding them than I am.

4 Q: So Exhibit 16, if you may recall --

5 MR. TAYLOR: You with me, Javier?

6 MR. MERINO: Yeah.

7 Q: -- is the yogurt. The December 11,  
8 2022 -- December 11, 2022, transaction. Okay.  
9 You with me?

10 A: Yes.

11 Q: And you see that there are photos of the  
12 shelf price of the yogurt; do you see that?

13 A: Yes.

14 Q: And that is on the first, second, fifth,  
15 and 6 inches of Exhibit 16, right?

16 A: Yes.

17 Q: Did you ever see the shelf labels in the  
18 store on December 11, 2022?

19 MR. MERINO: Object to form. You can  
20 answer.

21 A: I didn't go to the store that day.

22 Q: So you didn't see the shelf labels?

23 MR. MERINO: Object to form. Object.  
24 Mischaracterizes testimony. You can answer.

25 A: I didn't see them that day, no.

1           Q:   And let me ask you a little bit of  
2 point. Did you see these shelf labels for the  
3 yogurt prior to the transaction where your husband  
4 bought them?

5           A:   I don't recall.

6           Q:   Would you have seen them on December 11,  
7 2022, the shelf lables of the yogurt on December  
8 11, 2022, prior to the time your husband bought  
9 it?

10          A:   Can you please repeat the question?

11          Q:   Sure. So your husband purchased the  
12 yogurt on December 11, 2022. And he took photos  
13 of them and -- of the shelf price labels and the  
14 receipt. And my question is, you didn't see the  
15 shelf price labels of the yogurt depicted in  
16 Exhibit 16 on December 11, 2022 prior to the  
17 transaction where your husband bought them?

18               MR. MERINO: Object to form. You can  
19 answer.

20          A:   Okay. You're asking if I've seen these  
21 shelf prices before he bought them?

22          Q:   Yes.

23          A:   The day of?

24          Q:   Yes.

25          A:   No.

1           Q:    You can set that aside. All right. I'm  
2 going to refer you back to Exhibit 18, which is  
3 the lactose free milk transaction on September 4,  
4 2022.

5           A:    Yes.

6           Q:    Did you see the shelf price labels for  
7 the lactose free milk in the Dollar General on  
8 September 4th, prior to the transaction that your  
9 husband made when he purchased them?

10           MR. MERINO: Object to form. You can  
11 answer.

12           A:    I did not go to the store that day with  
13 him, so no I did not see them.

14           Q:    You can set that aside. And the next  
15 one I wanted to refer you to is Exhibit 19. This  
16 is a transaction that occurred on September 18,  
17 2022, lactose free milk as well. On September 18,  
18 2022, did you see the shelf label price of the  
19 lactose free milk in the White Lake Dollar General  
20 store prior to the transaction that your husband  
21 made on that date buying it?

22           MR. MERINO: Object to form. You can  
23 answer.

24           A:    I did not go to the store that day so I  
25 did not see the price.

1 Q: Ms. Wolf, can you describe in your own  
2 words what this lawsuit's about?

3 MR. MERINO: Object to form. You can  
4 answer.

5 A: This lawsuit is about Dollar General  
6 overcharging customers.

7 Q: And what do you hope to gain out of this  
8 lawsuit?

9 MR. MERINO: Object to form. You can  
10 answer.

11 A: I hope that Dollar General will stop  
12 overcharging, get relief for my class and anything  
13 else I defer to my attorneys.

14 Q: Do you have an expectation that you will  
15 receive some money from this lawsuit?

16 MR. MERINO: Object to form. You can  
17 answer.

18 A: I refer to my lawyers.

19 Q: And I understand that, but just separate  
20 and apart from speaking with your attorneys, do  
21 you have an expectation? And if you don't that's  
22 fine. But if you have an expectation that you  
23 will receive some type of compensation or money  
24 from this lawsuit?

25 MR. MERINO: Objection. Asked and

1 answered. Object to form. You can answer.

2 A: I expect to get relief for the class.

3 Q: Do you expect to get any relief

4 personally for what you are out-of-pocket?

5 MR. MERINO: Object to form. Object

6 asked and answered. You can answer.

7 A: I expect to get the relief for the

8 class.

9 Q: And I just want to make sure I

10 understand what you're saying there. Does that

11 mean that you don't expect to get any compensation

12 for what you allege you are out-of-pocket?

13 MR. MERINO: Object to form. Object

14 asked and answered. You can answer.

15 A: I expect to get relief for the whole

16 class.

17 Q: So nothing specific for you?

18 A: Whatever the class -- I expect to get

19 the relief for the whole class. Whatever the

20 class gets.

21 Q: Are you angry at Dollar General?

22 MR. MERINO: Object to form. You can

23 answer.

24 A: I have no feelings. I just don't think

25 that Dollar General should be overcharging.



1 Q: Do you want to punish Dollar General?

2 MR. MERINO: Object to form. You can  
3 answer the question.

4 A: I just want Dollar General to fix the  
5 overcharging issues it has.

6 Q: Why have you continue to shop at Dollar  
7 General even after you filed a lawsuit against  
8 them?

9 MR. MERINO: Object to form. You can  
10 answer the question.

11 A: Dollar General is two minutes or less  
12 from my house. The nearest store is 40 minutes  
13 driving around trip not considering how much time  
14 I spent in there. I'm only in Bethel on the  
15 weekends. I am not going to spend hours shopping,  
16 especially if I just need milk or eggs for me and  
17 my kids for a quick breakfast.

18 Q: Do you shop at Dollar General less now  
19 than you did before it filed the lawsuit?

20 MR. MERINO: Object to form. You can  
21 answer.

22 A: About the same.

23 Q: Do you want to shut down Dollar General  
24 stores in New York?

25 MR. MERINO: Object to form. You can

1 answer.

2 A: No. I just want them to correct their  
3 pricing.

4 Q: Are you seeking to change anything  
5 specific about the Dollar General stores in New  
6 York?

7 MR. MERINO: Object to form. You can  
8 answer.

9 A: That the charge correct -- accurate  
10 prices.

11 Q: Do you have any thoughts on how they  
12 could best -- how they could best do that?

13 MR. MERINO: Object to form. You can  
14 answer.

15 A: I defer to my lawyers.

16 Q: Why did you initially decide to become  
17 involved in this lawsuit?

18 MR. MERINO: Object to form. You can  
19 answer.

20 A: I wanted to stop Dollar General from  
21 overcharging people.

22 Q: Was it because -- what was your primary  
23 motivation, was it because you were out too much  
24 money, the principle of the thing, something else?

25 MR. MERINO: Object to form. Object.

1 Asked and answered. You can answer.

2 A: I wanted Dollar General to stop  
3 overcharging everybody. All customers, not just  
4 me.

5 Q: Did anyone ever suggest to you that you  
6 should make purchases at Dollar General to obtain  
7 evidence for a lawsuit?

8 MR. MERINO: Object to form. You can  
9 answer.

10 A: No.

11 Q: Do you know how many items are in a  
12 Dollar General

13 MR. MERINO: Object to form. You can  
14 answer.

15 A: I believe I saw in the lawsuit a couple  
16 of thousand.

17 Q: Let me represent to you that it may be  
18 as many as 15,000. Do you have an opinion about  
19 whether retailers should be required to have 100  
20 percent of the prices completely accurate 100  
21 percent of the time?

22 MR. MERINO: Object to form. You can  
23 answer.

24 A: I believe retailers should always charge  
25 accurate prices.

1 Q: Do -- are you aware that mistakes can  
2 sometimes happen?

3 MR. MERINO: Object to form. You can  
4 answer.

5 A: Can you repeat the question, please?

6 Q: Sure. Are you aware that mistakes can  
7 sometimes happen in terms of changing the prices  
8 and putting the price tags on the shelves?

9 MR. MERINO: Object to form. You can  
10 answer.

11 A: I believe for a retailers selling a  
12 product they should have accurate pricing.

13 Q: And that's 100 percent of the time with  
14 no exceptions?

15 MR. MERINO: Object to form. You can  
16 answer.

17 A: I believe if you are in the line of  
18 business of selling something to people you should  
19 be accurate.

20 Q: 100 percent of the time?

21 MR. MERINO: Object to form. You can  
22 answer.

23 A: I believe that if you are in the  
24 business of selling items that yes, you should be  
25 accurate.

1 Q: 100 percent of the time?

2 MR. MERINO: Object to form. You can  
3 answer.

4 A: I believe that if you are in the  
5 business of selling things that you should be  
6 accurate.

7 Q: Okay and I just -- what I am asking is  
8 when you say accurate do you mean 100 percent  
9 accurate, or is there any give in that answer?

10 MR. MERINO: Object to form. You can  
11 answer.

12 A: I believe you should be accurate 100  
13 percent of the time.

14 Q: Do you know how much time you have spent  
15 on this lawsuit thus far?

16 MR. MERINO: Object to form. You can  
17 answer.

18 A: Including today?

19 Q: Including today.

20 A: 15 hours.

21 Q: You'll find it funny that your husband  
22 asked the exact same question.

23 Let me ask you this because I forgot to  
24 ask it earlier. When you go into the White Lake  
25 Dollar General store how long do you typically

1 spend there? Is it sort of an in and out type of  
2 thing or do you sort of walk the aisles, are you  
3 know, a longer period of time?

4 MR. MERINO: Object to form. You can  
5 answer.

6 A: It's usually in and out.

7 Q: I figured. With kids I know how it is.  
8 Have you ever spoken to a government  
9 employee about price disparities?

10 MR. MERINO: Object to form. You can  
11 answer.

12 A: Can you repeat the question?

13 Q: Sure. Have you ever spoken to a  
14 government employee about price discrepancies such  
15 as making the complaint to the state or with the  
16 county?

17 MR. MERINO: Object to form. You can  
18 answer.

19 A: No.

20 Q: And why not?

21 MR. MERINO: Object to form. You can  
22 answer.

23 A: I have not been aware of any other price  
24 discrepancies when this occurred we decided to  
25 seek legal counsel.

1 Q: Do you have an understanding about  
2 whether you could have made a complaint to a  
3 county or state official about Dollar General  
4 price discrepancies?

5 MR. MERINO: Object to form. You can  
6 answer.

7 A: Can you please repeat the question?

8 Q: Sure. Did you have an understanding  
9 about whether you could have made a complaint to a  
10 state or county official about Dollar General  
11 price discrepancies?

12 MR. MERINO: Object to form. You can  
13 answer.

14 A: I'm not sure. But if -- I'm sure  
15 there's a way for me to look it up.

16 Q: Sorry, say that again?

17 A: I said no, I'm not sure.

18 Q: But you didn't make a complaint to a  
19 state or county official about Dollar General  
20 price discrepancies, correct?

21 MR. MERINO: Object to form. You can  
22 answer.

23 A: Correct.

24 Q: And forgive me if I have already touched  
25 on this, have you spoken to any friends or family

1 about Dollar General price discrepancies

2 MR. MERINO: Object to form. You can  
3 answer.

4 A: No.

5 Q: And you've never -- have you ever warned  
6 any friends or family, you know, hey, be careful  
7 about Dollar General there, you know, some of the  
8 prices are not right?

9 MR. MERINO: Object to form. You can  
10 answer.

11 A: No.

12 Q: I believe we talked earlier, you said  
13 you were aware that your husband at one point got  
14 an incorrect price fixed at the White Lake Dollar  
15 General; is that correct?

16 MR. MERINO: Object to form. You can  
17 answer.

18 A: Yes, he told me about it.

19 Q: But you weren't with him at the time?

20 A: No.

21 Q: And that occurred at some point in 2022?

22 A: I believe so. I'm not really sure when  
23 it occurred.

24 Q: And he told you that he had gotten the  
25 price fixed, right?



1 MR. MERINO: Object to form. Object.

2 Asked and answered. You can answer.

3 A: Yes. He told me it took a very long  
4 time, but yes.

5 Q: And so when you did your transaction on  
6 April 11, 2023 regarding the tuna, and when you  
7 realized it you understood that if you went to  
8 Dollar General and asked for the price to be  
9 corrected that it would be corrected and you would  
10 get the difference in what you paid and what the  
11 shelf price was?

12 MR. MERINO: Object to form. Object to  
13 it mischaracterizes testimony. You can answer.

14 A: Can you please repeat the question?

15 Q: Sure. When you did the April 11, 2023  
16 transaction where you purchased the tuna, and some  
17 other things, and you were overcharged for the  
18 tuna. You knew because of the prior instance  
19 where your husband had had the price fixed, that  
20 if you had raised the issue at some point to  
21 Dollar General, the White Lake Dollar General  
22 store, then the price would have been fixed?

23 MR. MERINO: Object to form. Object to  
24 mischaracterizes testimony. You can answer.

25 A: I was -- I was already at home when I

1 realized that the price discrepancy. And we had  
2 already started the lawsuit so I decided to share  
3 it with my lawyers.

4 Q: Yeah, I understand that. But I guess my  
5 question is notwithstanding that, you knew that if  
6 you had gone to Dollar General that you could have  
7 gotten that price corrected?

8 MR. MERINO: Object to form. Object,  
9 mischaracterizes testimony. You can answer the  
10 question.

11 A: I don't know what would have happened if  
12 I had gone back. I didn't go back so I can't  
13 answer that.

14 Q: But you were aware that your husband had  
15 previously gotten a price fixed that was incorrect  
16 at the White Lake Dollar General store, correct?

17 MR. MERINO: Objection. Asked and  
18 answered twice. You can answer.

19 A: Yes. It took a very long time and had  
20 to be verified, yes.

21 Q: You live at least during the week in  
22 Queens, right?

23 A: Yes.

24 Q: Prices at retailers for groceries and  
25 that kind of thing, is it higher in Queens than it

1 is in -- around your vacation home is?

2 MR. MERINO: Object to form. You can  
3 answer.

4 A: I don't know. I don't recall.

5 Q: Is that something that you pay attention  
6 to, sort of the differences in prices between  
7 Queens versus White Lake, New York?

8 MR. MERINO: Object to form. You can  
9 answer.

10 A: Sometimes.

11 Q: Do you have an understanding as to what  
12 your responsibilities and duties are in this  
13 lawsuit?

14 A: Yes.

15 Q: And what are they?

16 MR. MERINO: Object to form. You can  
17 answer.

18 A: To pursue the case vigorously. To hire  
19 counsel knowledgeable in the area and to represent  
20 my class and get relief for my class.

21 Q: And what qualifies you to represent that  
22 class?

23 MR. MERINO: Object to form. You can  
24 answer.

25 A: I was overcharged like others in my

1 class.

2 Q: All right have you ever spoken or  
3 communicated with any other specific individual  
4 other than your husband who has been overcharged  
5 at a Dollar General store in New York?

6 MR. MERINO: Object to form. You can  
7 answer.

8 A: No.

9 Q: Do you believe that customers of Dollar  
10 General who not overcharged should still be  
11 compensated?

12 MR. MERINO: Object to form. You can  
13 answer.

14 A: I defer to my lawyers.

15 Q: Do you believe that you represent  
16 consumers at Dollar General stores to never look  
17 at the shelf price?

18 MR. MERINO: Object to form. You can  
19 answer.

20 A: I defer to my attorneys.

21 Q: Dollar General's in New York are  
22 incorrect?

23 MR. MERINO: Object to form. You can  
24 answer.

25 A: Can you repeat the question, please?

1 Q: Sure. Are you contending that every  
2 price that Dollar General stores are incorrect?  
3 Dollar General stores in New York are incorrect?

4 A: No.

5 Q: Are you contending that every consumer  
6 who shops at a Dollar General store in New York  
7 has experienced an overcharge?

8 MR. MERINO: Object to form. Object,  
9 asked and answered. You can answer.

10 A: If I was overcharged, I believe others  
11 were overcharged as well.

12 Q: And I understand that. I guess my  
13 question was a bit different. Are you contending  
14 that every person who shops at a Dollar General  
15 store in New York experiences a price overcharge?

16 MR. MERINO: Object to form. Object  
17 asked and answered. You can answer.

18 A: I can't say about everyone, but I just  
19 know that I was overcharged and if I was  
20 overcharged other people probably were overcharged  
21 too.

22 Q: Do you know how many customers who shop  
23 at New York Dollar General stores have periods  
24 price discrepancies?

25 MR. MERINO: Object to form. You can

1 answer.

2 A: I don't know.

3 Q: If you wanted to know the answer to that  
4 question how would you find out?

5 MR. MERINO: Object to form. You can  
6 answer.

7 A: Can you repeat the question?

8 Q: Sure. If you wanted to know the answer  
9 to that question about how many people -- many  
10 customers of Dollar General stores in New York  
11 have experienced price discrepancies how would you  
12 find that out?

13 MR. MERINO: Object to form. You can  
14 answer.

15 A: I'm not sure.

16 Q: Is it your contention that the way that  
17 you shop at Dollar General stores is exactly the  
18 same as what other -- how other consumers shop at  
19 Dollar General stores in New York?

20 MR. MERINO: Object to form. Objection.  
21 Asked and answered. You can answer.

22 A: Can you please rephrase the question?

23 Q: Sure. I guess what I'm trying to get at  
24 is due you believe that every customer who shops  
25 at a Dollar General store in New York had the

1 exact same experience that you had?

2 MR. MERINO: Object to form. Objection  
3 asked and answered. You can answer.

4 A: I can't speak for other customers. I  
5 can only speak for the experience that I have had.

6 Q: Are you suing over any activities or  
7 actions of Dollar General that we have not  
8 discussed here today?

9 MR. MERINO: Object to form. You can  
10 answer.

11 A: Can you please repeat the question?

12 Q: Sure. Is your lawsuit against Dollar  
13 General -- does it relate to any activities or  
14 actions of Donald General that we haven't  
15 discussed here today?

16 MR. MERINO: Object to form. You can  
17 answer.

18 A: I don't believe so, no.

19 Q: Are you claiming any damages that we  
20 have not discussed here today?

21 MR. MERINO: Object to form. You can  
22 answer.

23 A: I defer to my attorneys.

24 Q: I thought you might say that. Okay.

25 MR. TAYLOR: Do y'all intend to ask any

1 questions?

2 MR. MERINO: If we could just have two  
3 minutes to talk?

4 MR. TAYLOR: You want to go off the  
5 record for a second?

6 MR. MERINO: Yeah. Let's go off the  
7 record.

8 (Off the record at 2:31 p.m., resuming  
9 at 2:36 p.m.)

10 MR. TAYLOR: I have no further questions  
11 at this time.

12 EXAMINATION BY COUNSEL FOR PLAINTIFFS

13 JOSEPH WOLF, CARMEN WOLF, ON BEHALF OF THEMSELVES

14 AND THOSE SIMILARLY SITUATED

15 BY MR. MERINO:

16 Q: Mrs. Wolf, do you remember testifying  
17 before about your out-of-pocket losses for the  
18 overcharges?

19 A: Yes.

20 Q: Do you remember testifying before about  
21 being overcharged in April of 2023 for tuna?

22 A: Yes.

23 Q: The amount that you were overcharged for  
24 that purchase, would you count that as an out of  
25 pocket loss?



1 MR. TAYLOR: Objection. Form.

2 A: Yes.

3 Q: And would you count that as an --

4 MR. MERINO: Actually I withdraw that  
5 last question and I have no further question.

6 MR. TAYLOR: Okay. I have no further  
7 questions either. I do want to put on the record  
8 that I will leave this deposition open for now in  
9 case there are any issues with ongoing discovery  
10 and feel free to make your objection.

11 MR. MERINO: And we object to keeping  
12 the deposition open.

13 (Off the record at 2:37 p.m.)

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CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Enrique Casas, the officer before  
whom the foregoing proceedings were taken, do  
hereby certify that any witness(es) in the  
foregoing proceedings were fully sworn; that the  
proceedings were recorded by me and thereafter  
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transcriptionist; that said digital audio  
recording of said proceedings are a true and  
accurate record to the best of my knowledge,  
skills, and ability; and that I am neither counsel  
for, related to, nor employed by any of the  
parties to this case and have no interest,  
financial or otherwise, in its outcome.



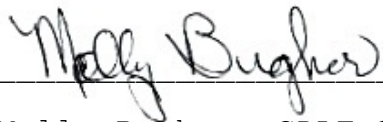
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I, Molly Bugher, do hereby certify that  
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skills, and ability; and that I am neither counsel  
for, related to, nor employed by any of the  
parties to the case and have no interest,  
financial or otherwise, in its outcome.

A handwritten signature in cursive script, reading "Molly Bugher", is written over a horizontal line.

Molly Bugher, CDLT-161

January 22, 2024

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